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Canada. External Affairs, Dept. of

CANADA

TREATY SERIES, 1945

No. 1 - 34

EXCHANGE OF NOTES

(February 13, 1945)

BETWEEN

CANADA AND THE UNITED STATES OF AMERICA
CONSTITUTING AN AGREEMENT RESPECTING
AIR SERVICES OF THE ARMED FORCES
OF THE TWO COUNTRIES

In force February 13, 1945

RECUEIL DES TRAITÉS, 1945

N° 1

ÉCHANGE DE NOTES

(13 février 1945)

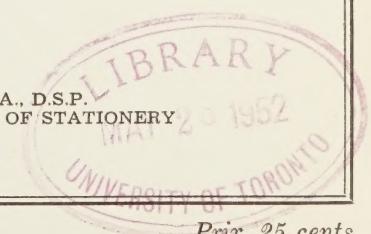
ENTRE

LE CANADA ET LES ÉTATS-UNIS D'AMÉRIQUE
COMPORTANT UN ACCORD VISANT LES SERVICES
DE TRANSPORT AÉRIEN DES FORCES ARMÉES DES
DEUX PAYS

En vigueur le 13 février 1945



EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952



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CANADA

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(February 13, 1945)

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RÉCUEIL DES TRAITÉS, 1945
N° 1

ÉCHANGE DE NOTES
(13 février 1945)

ENTRE

LE CANADA ET LES ÉTATS-UNIS D'AMÉRIQUE
COMPORTANT UN ACCORD VISANT LES SERVICES
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**EXCHANGE OF NOTES (FEBRUARY 13, 1945) BETWEEN CANADA
AND THE UNITED STATES OF AMERICA CONSTITUTING AN
AGREEMENT RESPECTING AIR SERVICES OF THE ARMED
FORCES OF THE TWO COUNTRIES**

I

*The Chargé d'Affaires a.i. of the United States of America to Canada
to the Secretary of State for External Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

OTTAWA, February 13th, 1945.

No. 285

SIR:

With reference to negotiations that have recently taken place between representatives of the United States and Canadian Governments respecting air services of the Armed Forces of the United States and Canada, I have the honor to propose that an agreement be entered into between the two Governments as follows:

I

Subject to such conditions as may from time to time be agreed upon between the Armed Forces of Canada and the Armed Forces of the United States, aircraft of the United States Armed Forces engaged in air transport or ferry services (including aircraft being delivered to third countries) whether operated and maintained directly by military personnel or by United States or Canadian civilian personnel under contract with the United States Armed Forces, may, during the present war, fly into, through and away from Canada and may use all airway facilities including landing fields, meteorological services, radio ranges and radio communications which are available to aircraft of the Armed Forces of Canada, and, subject to the concurrence of the Government of Newfoundland, all similar airway facilities operated by Canada in Newfoundland territory, along the routes which they are now flying and which are set forth in Part One of the attached confidential^(a) memorandum, provided that aircraft operated and maintained by civilian personnel under contract with the United States Armed Forces shall be restricted to the routes indicated in Part One A of the attached confidential memorandum.

II

Subject to such conditions as may from time to time be agreed upon between the Armed Forces of Canada and the Armed Forces of the United States, aircraft of the Armed Forces of Canada engaged in air transport or ferry services (including aircraft being delivered to third countries) whether operated and maintained directly by military personnel or by Canadian or United States civilian personnel under contract with the Armed Forces of Canada, may, during

^(a) No longer confidential.

(Traduction)

**ÉCHANGE DE NOTES (13 FÉVRIER 1945) ENTRE LE CANADA ET
LES ÉTATS-UNIS D'AMÉRIQUE COMPORTANT UN ACCORD
VISANT LES SERVICES DE TRANSPORT AÉRIEN DES FORCES
ARMÉES DES DEUX PAYS**

I

*Le Chargé d'Affaires par intérim des États-Unis d'Amérique au Canada
au Secrétaire d'État aux Affaires extérieures*

AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE

OTTAWA, le 13 février 1945.

N° 285

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

Me référant aux négociations qui ont eu lieu dernièrement entre des représentants des Gouvernements des États-Unis et du Canada au sujet des services de transport aérien des forces armées des États-Unis et du Canada, j'ai l'honneur de proposer la conclusion d'un accord ainsi conçu entre nos deux Gouvernements:

I

Sous réserve des conditions qui pourront être éventuellement convenues entre les Forces armées du Canada et les Forces armées des États-Unis, les aéronefs des Forces armées des États-Unis faisant le service de transport ou de livraison (y compris les aéronefs dont livraison est faite à de tiers pays), qu'ils soient exploités et entretenus directement par le personnel militaire ou par le personnel civil des États-Unis ou du Canada aux termes de contrats conclus avec les Forces armées des États-Unis, pourront, pendant la présente guerre, survoler le Canada, s'y poser et en repartir, et utiliser toutes les installations aéronautiques, y compris les terrains d'atterrissement, les services météorologiques, les fréquences et les communications de t.s.f. dont peuvent faire usage les aéronefs des Forces armées du Canada et, sous réserve de l'assentiment du Gouvernement de Terre-Neuve, toute installation aéronautique administrée par le Canada en territoire terre-neuvien, sur les itinéraires qu'ils suivent déjà et dont la liste figure à la partie I du mémorandum confidentiel^(a) ci-annexé, à condition que les aéronefs exploités et entretenus par le personnel civil, aux termes de contrats conclus avec les Forces armées des États-Unis soient confinés aux itinéraires mentionnés dans la partie I A du mémorandum confidentiel ci-annexé.

II

Sous réserve des conditions qui pourront être éventuellement convenues entre les Forces armées du Canada et les Forces armées des États-Unis, les aéronefs des Forces armées du Canada faisant le service de transport ou de livraison (y compris les aéronefs dont livraison est faite à de tiers pays), qu'ils soient exploités et entretenus directement par le personnel militaire ou par le personnel civil du Canada ou des États-Unis, aux termes de contrats conclus avec les Forces armées du Canada, pourront, pendant la présente guerre survoler

^(a) Ce document n'est plus confidentiel.

the present war, fly into, through and away from United States territory, including Alaska and Hawaii, and may use all airway facilities including landing fields, meteorological services, radio ranges and radio communications, which are available to aircraft of the United States Armed Forces in such territory, and, subject to the concurrence of the Government of Newfoundland, all similar airway facilities operated by the United States in Newfoundland territory, along the routes which they are now flying and which are set forth in Part Two of the attached confidential memorandum, provided that aircraft operated and maintained by civilian personnel under contract with the Armed Forces of Canada shall be restricted to the routes indicated in Part Two A of the attached confidential memorandum.

III

- (a) The Armed Forces of the United States will not establish over Canadian territory regular flying routes for air transport or ferry services additional to those which are set forth in Part One B of the attached confidential memorandum without first having sought and obtained the approval of the Government of Canada. The Government of Canada agrees to give prompt and sympathetic consideration to any request submitted by the Government of the United States for additional routes for air transport or ferry services which the latter Government believes to be desirable to meet the changing conditions of war.
- (b) Except in an emergency not extending for a period longer than 60 days, the Armed Forces of the United States will not cause any civilian contractors additional to the contractors listed in Part One A of the attached memorandum to operate air transport services over Canadian territory, nor will they cause the contractors listed in the said memorandum to operate services over routes other than as indicated therein, without first having sought and obtained the approval of the Government of Canada.

IV

- (a) The Armed Forces of Canada will not establish over the territory of the United States, including Alaska and Hawaii, regular flying routes for air transport or ferry services additional to those which are set forth in Part Two B of the attached confidential memorandum without first having sought and obtained the approval of the Government of the United States. The Government of the United States agrees to give prompt and sympathetic consideration to any request submitted by the Government of Canada for additional routes for air transport or ferry services which the latter Government believes to be desirable to meet the changing conditions of war.
- (b) Except in an emergency not extending for a period longer than 60 days, the Armed Forces of Canada will not cause any civilian contractors additional to the contractors listed in Part Two A of the attached memorandum to operate air transport services over United States territory, including Alaska and Hawaii, nor will they cause the contractors listed in the said memorandum to operate services over routes other than as indicated therein, without first having sought and obtained the approval of the Government of the United States.

les États-Unis, y compris l'Alaska et Hawaï, s'y poser et en repartir, et utiliser toutes les installations aéronautiques, y compris les terrains d'atterrissement, les services météorologiques, les fréquences et les communications de t.s.f. dont peuvent faire usage les aéronefs des Forces armées des États-Unis et, sous réserve de l'assentiment du Gouvernement de Terre-Neuve, toute installation aéronautique administrée par les États-Unis en territoire terre-neuvien, sur les itinéraires qu'ils suivent actuellement et dont la liste figure à la partie II du mémorandum confidentiel ci-annexé, à condition que les aéronefs exploités et entretenus par le personnel civil, en vertu de contrats avec les Forces armées du Canada, soient confinés aux itinéraires mentionnés dans la partie II A du mémorandum confidentiel ci-annexé.

III

- a) Les Forces armées des États-Unis n'établiront pas d'itinéraires aériens réguliers au-dessus du territoire canadien pour des services de transport ou de livraison autres que ceux qui sont indiqués dans la partie I B du mémorandum confidentiel ci-annexé, avant d'avoir obtenu au préalable l'approbation du Gouvernement du Canada. Le Gouvernement du Canada convient d'accorder une prompte et bienveillante attention à toute demande que le Gouvernement des États-Unis lui présentera en vue d'obtenir des itinéraires additionnels pour les services de transport ou de livraison que ledit Gouvernement des États-Unis croira utiles pour faire face aux conditions changeantes de la guerre.
- b) Sauf en cas d'urgence n'excédant pas 60 jours, les Forces armées des États-Unis n'emploieront pas d'autres entrepreneurs civils que ceux qui sont indiqués dans la partie I A du mémorandum ci-annexé pour exploiter les services de transport aérien au-dessus du territoire canadien, et elles ne feront pas établir par les entrepreneurs mentionnés dans ledit mémorandum aucun service sur d'autres itinéraires que ceux qui sont indiqués dans ledit mémorandum sans demander et obtenir au préalable l'approbation du Gouvernement du Canada.

IV

- a) Les Forces armées du Canada n'établiront pas d'itinéraires aériens réguliers au-dessus du territoire des États-Unis, y compris l'Alaska et Hawaï, pour des services de transport ou de livraison autres que ceux qui sont indiqués dans la partie II B du mémorandum confidentiel ci-annexé, sans avoir obtenu au préalable l'approbation du Gouvernement des États-Unis. Le Gouvernement des États-Unis convient d'accorder une prompte et bienveillante attention à toute demande que le Gouvernement du Canada lui présentera en vue d'obtenir des itinéraires additionnels pour les services de transport ou de livraison que ledit Gouvernement du Canada croira utiles pour faire face aux conditions changeantes de la guerre.
- b) Sauf en cas d'urgence n'excédant pas 60 jours, les Forces armées du Canada n'emploieront pas d'autres entrepreneurs civils que ceux qui sont indiqués dans la partie II A du mémorandum ci-annexé pour exploiter les services de transport aérien au-dessus du territoire des États-Unis, y compris l'Alaska et Hawaï, et elles ne feront pas établir par les entrepreneurs mentionnés dans ledit mémorandum aucun service sur d'autres itinéraires que ceux qui sont indiqués dans ledit mémorandum sans demander et obtenir au préalable l'approbation du Gouvernement des États-Unis.

V

Aircraft operated on behalf of the United States Armed Forces by civilian personnel under contract with the United States Armed Forces over routes in Canada shall conform in all respects with such regulations governing traffic control, routing and recognition as may be applicable to aircraft operated in air transport or ferry services by military personnel of the Armed Forces of the United States and of Canada in Canada. Neither the aircraft nor the civilian personnel engaged in the operation or maintenance thereof nor any office or other building used by the aircraft or the civilian personnel (unless also used by such civilian contractor in conjunction with authorized civil air transport services) shall bear or display any identifying markings or insignia advertising or publicizing the name of any commercial airline company.

VI

Aircraft operated on behalf of the Armed Forces of Canada by civilian personnel under contract with the Armed Forces of Canada over routes in the United States, including Alaska and Hawaii, shall conform in all respects with such regulations governing traffic control, routing and recognition as may be applicable to aircraft operated in air transport or ferry services by military personnel of the Armed Forces of Canada and of the United States in the United States, including Alaska and Hawaii. Neither the aircraft nor the civilian personnel engaged in the operation or maintenance thereof nor any office or other building used by the aircraft or the civilian personnel (unless also used by such civilian contractor in conjunction with authorized civil air transport services) shall bear or display any identifying markings or insignia advertising or publicizing the name of any commercial airline company.

VII

- (a) No passengers, goods or mail originating at or destined to points in Canada shall be carried for reward or hire on any aircraft operated by or on behalf of the Armed Forces of the United States into, through or away from Canada pursuant to the provisions of Articles I and III of this agreement. Similarly, no passengers, goods or mail originating at or destined to points in the United States, including Alaska and Hawaii, shall be carried for reward or hire on any aircraft operated by or on behalf of the Armed Forces of Canada into, through or away from the United States, including Alaska and Hawaii, pursuant to the provisions of Articles II and IV of this agreement.
- (b) Passengers, goods and mail other than those referred to in paragraph (a) of this Article may be carried for reward or hire on the aircraft referred to in this Article.
- (c) The traffic of the aircraft referred to in paragraph (b) of this Article which may be carried shall be limited to passengers, goods or mail, the transportation of which is important in furtherance of the prosecution of the war, to relief or rehabilitation activities, or necessary to speed a return to peace-time conditions.

V

Les aéronefs desservant des itinéraires au Canada, et exploités au nom des Forces armées des États-Unis par un personnel civil, aux termes d'un contrat avec les Forces armées des États-Unis devront se conformer à tous égards aux règlements régissant le trafic aérien, les itinéraires et la reconnaissance qui sont applicables aux aéronefs faisant le service de transport et de livraison et exploités par le personnel militaire des Forces armées des États-Unis et du Canada au Canada. Ni le personnel des aéronefs ni le personnel civil employés à l'exploitation ou à l'entretien des aéronefs, ni aucun bureau ou autre immeuble utilisé par le personnel des aéronefs ou le personnel civil (à moins que l'entrepreneur civil ne s'en serve également pour d'autres services de transport civil aérien autorisés) ne portera ou n'exposera de marque ou d'insigne d'identité en vue d'annoncer ou de faire connaître le nom d'aucune société commerciale de transport aérien.

VI

Les aéronefs desservant des itinéraires aux États-Unis, y compris l'Alaska et Hawaï, et exploités au nom des Forces armées du Canada, par un personnel civil, aux termes d'un contrat conclu avec les Forces armées du Canada, devront se conformer à tous égards aux règlements régissant le trafic aérien, les itinéraires et la reconnaissance qui sont applicables aux aéronefs faisant le service de transport et de livraison et exploités par le personnel militaire des Forces armées du Canada et des États-Unis aux États-Unis. Ni le personnel des aéronefs ni le personnel civil employés à l'exploitation ou à l'entretien des aéronefs, ni aucun bureau ou autre immeuble utilisé par le personnel des aéronefs ou le personnel civil (à moins que l'entrepreneur civil ne s'en serve également pour d'autres services de transport civil aérien autorisés) ne portera ou n'exposera de marque ou d'insigne d'identité en vue d'annoncer ou de faire connaître le nom d'aucune société commerciale de transport aérien, y compris l'Alaska et Hawaï.

VII

- a) Il ne sera transporté aucun passager, marchandise ou courrier en provenance ou à destination de places au Canada contre paiement ou loyer, à bord d'aéronefs exploités par les Forces armées des États-Unis ou en leur nom et survolant le Canada, s'y posant ou en repartant, conformément aux dispositions des articles I et III du présent Accord. De même il ne sera transporté aucun passager, marchandise ou courrier en provenance ou à destination de places aux États-Unis, y compris l'Alaska et Hawaï, contre paiement ou loyer, à bord d'aéronefs exploités par les Forces armées du Canada ou en leur nom et survolant les États-Unis, l'Alaska et Hawaï compris, s'y posant ou en repartant, conformément aux dispositions des articles II et IV du présent Accord.
- b) Il peut être transporté des passagers, des marchandises ou du courrier, autres que ceux mentionnés dans l'alinéa a) du présent article contre paiement ou loyer à bord des aéronefs visés par le présent article.
- c) Le trafic qui peut être transporté par les aéronefs mentionnés dans l'alinéa b) du présent article est limité aux voyageurs, aux marchandises ou au courrier dont le transport est nécessaire à la poursuite efficace de la guerre, aux œuvres de secours ou de rétablissement, ou encore pour hâter le retour aux conditions normales du temps de paix.

VIII

The provisions of this agreement shall not be applicable to the tactical movement of combat type aircraft or to occasional flights of transport type aircraft belonging to the Armed Forces of either government, nor to any service conducted by a commercial airline company over a route for which it holds a certificate, licence or permit issued by the competent aeronautical authorities of the respective Governments.

IX

Upon entry into force of this agreement, the provisions hereof shall supersede any undertakings between the Government of Canada and the Government of the United States inconsistent therewith and pertaining to this subject and these undertakings shall not be deemed to be revived on termination of this agreement.

X

Notwithstanding the provisions of Articles I and II of this agreement, this agreement may be terminated at any time on six months' notice given in writing by either government to the other government. All rights acquired by either government under this agreement shall terminate for all purposes at the end of the present war. This agreement shall come into force on the 13th day of February, 1945.

If these proposals are acceptable to the Government of Canada this note and your reply thereto, accepting the proposals, shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

LEWIS CLARK,

Chargé d'Affaires ad interim.

VIII

Les dispositions du présent Accord ne seront pas applicables au mouvement tactique des aéronefs de combat ni aux envolées occasionnelles d'aéronefs de transport appartenant aux Forces armées de l'un ou de l'autre Gouvernement, ni aux services exploités par une compagnie de transport aérien sur un itinéraire pour lequel elle détient un certificat, une autorisation ou un permis délivré par les autorités aéronautiques compétentes de l'un ou de l'autre Gouvernement.

IX

A son entrée en vigueur, les dispositions du présent Accord remplaceront tous les engagements existant entre le Gouvernement du Canada et le Gouvernement des États-Unis incompatibles avec lui et se rapportant au même sujet et lesdits engagements ne seront pas censés être remis en vigueur lorsque le présent Accord prendra fin.

X

Nonobstant les dispositions des articles I et II du présent Accord, l'un ou l'autre des deux Gouvernements peut dénoncer en tout temps le présent Accord moyennant préavis de six mois donné par écrit à l'autre Gouvernement. Tous les droits acquis par l'un ou l'autre Gouvernement aux termes du présent Accord cesseront, à toutes fins, lors de la cessation de la présente guerre. Le présent Accord entrera en vigueur le 13 février 1945.

Si ces propositions conviennent au Gouvernement du Canada, la présente note et votre réponse acceptant les propositions seront considérées comme constatant l'accord intervenu à ce sujet entre les deux Gouvernements.

Veuillez agréer, Monsieur le Secrétaire d'État, l'assurance renouvelée de ma très haute considération.

Le Chargé d'Affaires par intérim,

LEWIS CLARK.

MEMORANDUM

Confidential^(a)

PART ONE

THE UNITED STATES

A. ROUTES WHICH MAY BE OPERATED BY CIVIL AIR CARRIERS UNDER CONTRACT WITH THE ARMED FORCES OF THE UNITED STATES.

1. Great Falls to Fairbanks via Lethbridge-Calgary-Edmonton-Grand Prairie-Fort St. John-Fort Nelson-Watson Lake-Whitehorse-Northway-Tanacross-Big Delta.
Northwest Airlines, Incorporated
Western Air Lines, Incorporated
2. Seattle to Edmonton.
Northwest Airlines, Incorporated
United Air Lines Transport Corporation
3. Minneapolis or Fargo to Edmonton via Regina.
Northwest Airlines, Incorporated
4. Seattle to Annette Island via Prince George.
Northwest Airlines, Incorporated
Pan American Airways, Incorporated
United Air Lines Transport Corporation
5. Seattle to Alaska via Annette Island and Juneau crossing over Canadian territory, or via Prince George-Fort St. John-Fort Nelson-Watson Lake-Whitehorse-Northway-Tanacross-Big Delta.
Northwest Airlines, Incorporated
Pan American Airways, Incorporated
United Air Lines Transport Corporation
6. Canol Project:
Edmonton-Waterways-Embarras-Fort Smith-Resolution-Hay River-Providence-Mills Lake-Wrigley-Norman-Canol Camp or Norman Wells. Between any of the following points: Edmonton-Waterways-Embarras-Fort Smith-Resolution-Hay River-Providence-Mills Lake-Simpson-Wrigley-Norman-Canol Camp or Norman Wells.
Northwest Airlines, Incorporated
United Air Lines Transport Corporation
7. Presque Isle or other points in Eastern United States to United Kingdom or Port Lyautey via Gander, Harmon, Botwood or Shediac.
American Export Airlines, Incorporated
Pan American Airways, Incorporated

^(a) No longer confidential.

MÉMORANDUM

Confidentiel⁽¹⁾

PREMIÈRE PARTIE

ÉTATS-UNIS

A. ITINÉRAIRES QUI PEUVENT ÊTRE EXPLOITÉS PAR LES ENTREPRISES DE TRANSPORT AÉRIEN CIVIL LIÉES PAR CONTRAT AVEC LES FORCES ARMÉES DES ÉTATS-UNIS.

1. De Great-Falls à Fairbanks via Lethbridge, Calgary, Edmonton, Grande-Prairie, Fort-Saint-Jean, Fort-Nelson, Lac-Watson, Whitehorse, Northway, Tanacross, Big-Delta.

Northwest Airlines, Incorporated

Western Air Lines, Incorporated

2. De Seattle à Edmonton.

Northwest Airlines, Incorporated

United Air Lines Transport Corporation

3. De Minneapolis ou de Fargo à Edmonton via Regina.

Northwest Airlines, Incorporated

4. De Seattle à l'Île Annette via Prince-George

Northwest Airlines, Incorporated

Pan American Airways, Incorporated

United Air Lines Transport Corporation

5. De Seattle à l'Alaska via l'Île Annette et Juneau, en survolant le territoire canadien, ou via Prince-George, Fort-Saint-Jean, Fort-Nelson, Lac-Watson, Whitehorse, Northway, Tanacross, Big-Delta.

Northwest Airlines, Incorporated

Pan American Airways, Incorporated

United Air Lines Transport Corporation

6. Plan Canol:

Edmonton, Waterways, Embarras, Fort-Smith, Résolution, Rivière-Hay, Providence, Lac-Mills, Wrigley, Norman, Camp-Canol ou Norman-Wells.

Entre n'importe lesquels des points suivants: Edmonton, Waterways, Embarras, Fort-Smith, Résolution, Rivière-Hay, Providence, Lac-Mills, Simpson, Wrigley, Norman, Camp-Canol ou Norman-Wells.

Northwest Airlines, Incorporated

United Air Lines Transport Corporation

7. De Presque-Île ou d'autres points de l'Est des États-Unis au Royaume-Uni ou à Port-Lyautey via Gander, Harmon, Botwood ou Shédiac.

American Export Airlines, Incorporated

Pan American Airways, Incorporated

⁽¹⁾ Ce document n'est plus confidentiel.

8. Presque Isle or other points in Eastern United States to United Kingdom via Goose Bay, Gander, Harmon, Botwood or Shediac.
 - American Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
9. Presque Isle or other points in Eastern United States to Marrakech via Gander.
 - American Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
10. Presque Isle or other points in Eastern United States to Greenland or Iceland via Goose Bay.
 - American Airlines, Incorporated
 - Northeast Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
11. Presque Isle or other points in Eastern United States to Goose Bay-BW-1 (or BW-8) Iceland or BW-2.
 - American Airlines, Incorporated
 - Northeast Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
12. On flights from points in the United States to Newfoundland, Greenland or Iceland, stops may be made at Dorval or Mingan en route.
 - American Airlines, Incorporated
 - Northeast Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
13. Crimson Route.
 - Northeast Airlines, Incorporated

B. ROUTES WHICH MAY BE OPERATED BY THE ARMED FORCES OF THE UNITED STATES.

1. All of the routes listed in A above.
2. Columbus to Fort William via Minneapolis and Duluth.
3. Columbus to Montreal via Detroit, Toronto and Ottawa.
4. New York to Argentia via Sydney, Nova Scotia.
5. Fort William to Minneapolis.

8. De Presque-Île ou d'autres points de l'Est des États-Unis au Royaume-Uni via Goose-Bay, Gander, Harmon, Botwood ou Shédiac.
 - American Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
9. De Presque-Isle ou d'autres points de l'Est des États-Unis à Marrakech via Gander.
 - American Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
10. De Presque-Isle ou d'autres points de l'Est des États-Unis au Groenland ou en Islande via Goose-Bay.
 - American Airlines, Incorporated
 - Northeast Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
11. De Presque-Isle ou d'autres points de l'Est des États-Unis à Goose-Bay, à BW-1 (ou BW-8) ou en Islande ou à BW-2.
 - American Airlines, Incorporated
 - Northeast Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
12. Au cours de vols entre les États-Unis et des points situés à Terre-Neuve, au Groenland ou en Islande, des escales sont permises soit à Dorval soit à Mingan.
 - American Airlines, Incorporated
 - Northeast Airlines, Incorporated
 - Transcontinental & Western Air, Incorporated
13. Itinéraire de Crimson.
 - Northeast Airlines, Incorporated

B. ITINÉRAIRES QUI PEUVENT ÊTRE SUIVIS PAR LES FORCES ARMÉES DES ÉTATS-UNIS.

1. Tous les itinéraires énumérés ci-dessus en A.
2. De Columbus à Fort-William via Minneapolis et Duluth.
3. De Columbus à Montréal via Détroit, Toronto et Ottawa.
4. De New-York à Argentia via Sydney (Nouvelle-Écosse).
5. De Fort-William à Minneapolis.

PART TWO

CANADA

A. ROUTES WHICH MAY BE OPERATED BY CIVIL AIR CARRIERS UNDER CONTRACT WITH THE ARMED FORCES OF CANADA.

None.

B. ROUTES WHICH MAY BE OPERATED BY THE ARMED FORCES OF CANADA.

1. Megantic to Moncton via Millinocket and Houlton.

II

*The Secretary of State for External Affairs
to the Ambassador of the United States of America to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, February 13th, 1945.

No. 12

EXCELLENCY:

I have the honour to acknowledge your note No. 285 of February 13th in which you propose that an agreement be entered into between the Canadian and United States Governments concerning air services of the Armed Forces of Canada and the United States.

The proposals set forth in your note are acceptable to the Canadian Government, and it is agreed that your note and this reply shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,
*For the Secretary of State for
External Affairs.*

DEUXIÈME PARTIE

CANADA

A. ITINÉRAIRES QUI PEUVENT ÊTRE EXPLOITÉS PAR LES ENTREPRISES DE TRANSPORT AÉRIEN CIVIL LIÉES PAR CONTRAT AVEC LES FORCES ARMÉES DU CANADA.

Aucun.

B. ITINÉRAIRES QUI PEUVENT ÊTRE SUIVIS PAR LES FORCES ARMÉES DU CANADA.
De Mégantic à Moncton via Millinocket et Houlton.

II

*Le Secrétaire d'État aux Affaires extérieures
à l' Ambassadeur des États-Unis d'Amérique au Canada*

MINISTÈRE DES AFFAIRES EXTÉRIEURES

OTTAWA, le 13 février 1945.

N° 12

EXCELLENCE,

J'ai l'honneur d'accuser réception de la note n° 285, du 13 février, par laquelle vous proposez la conclusion d'un accord entre le Gouvernement du Canada et le Gouvernement des États-Unis au sujet des services de transport aérien des Forces armées du Canada et des États-Unis.

Les propositions exposées dans votre note conviennent au Gouvernement du Canada et il est entendu que votre note et la présente réponse seront considérées comme constatant l'accord intervenu à ce sujet entre les deux Gouvernements.

Veuillez agréer, Excellence, l'assurance renouvelée de ma très haute considération.

*Pour le Secrétaire d'État aux
Affaires extérieures,
N. A. ROBERTSON.*

CANADA

TREATY SERIES, 1945
No. 2

EXCHANGE OF NOTES

(February 17, 1945)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RECORDING AN AGREEMENT
FOR
CIVIL AIR TRANSPORT

In force February 19, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

CANADA

TREATY SERIES, 1945
No. 2

EXCHANGE OF NOTES

(February 17, 1945)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RECORDING AN AGREEMENT
FOR
CIVIL AIR TRANSPORT

In force February 19, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

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**EXCHANGE OF NOTES (FEBRUARY 17, 1945) BETWEEN CANADA AND
THE UNITED STATES OF AMERICA RECORDING AN AGREEMENT
FOR CIVIL AIR TRANSPORT.**

I

*The Canadian Ambassador to the United States
to the United States Acting Secretary of State*

CANADIAN EMBASSY

WASHINGTON, February, 17, 1945.

No. 46

SIR:

With reference to negotiations that have recently taken place between representatives of the Canadian and United States Governments concerning civil air transport, I have the honour to propose that an Agreement be entered into between the two Governments as follows:

**AGREEMENT FOR CIVIL AIR TRANSPORT
BETWEEN
CANADA AND THE UNITED STATES OF AMERICA**

ARTICLE I

Pending the coming into force of the International Air Services Transit Agreement done at Chicago on December 7, 1944, each Government grants to the other, in respect of its scheduled international air services, the right to fly across its territory without landing and the right to land for non-traffic purposes.

ARTICLE II

The Governments grant the rights specified in the Annex for establishing the international civil air routes and services described in the Annex, whether such services be inaugurated immediately or at a later date at the option of the Government to whom the rights are granted.

ARTICLE III

Each of the air services so described may be placed in operation when the Government to whom the rights have been granted by Article II to designate an airline or airlines for the route concerned has authorized an airline for such route, and the Government granting the rights shall, subject to Article V hereof, take the appropriate steps to permit the operation by the airline or airlines concerned: provided that the airline so designated may be required to qualify before the competent aeronautical authorities of the Government granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

ARTICLE IV

In order to prevent discriminatory practices and to ensure equality of treatment, the Governments agree that:

(a) Each of them may impose or permit to be imposed on airlines of the other state just and reasonable charges for the use of public airports and other facilities on its territory provided that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services;

(b) Fuel and oil, aircraft stores, spare parts and equipment introduced into the territory of one State by the other State or by nationals of the other State, and intended solely for use by aircraft of such other State shall be accorded national and most-favoured-nation treatment with respect to the imposition of customs and excise duties and taxes, inspection fees or other national duties or charges by the State whose territory is entered: provided, however, that such State may require that such imported materials shall be kept under customs supervision and control;

(c) The fuel and oil, aircraft stores, spare parts and equipment retained on board civil aircraft of the airlines authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other State, be exempt from the imposition of customs and excise duties and taxes, inspection fees or other national duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

(d) Neither of them will give a preference to its own airlines against the airlines of the other State in the application of its customs, immigration, quarantine and similar regulations or in the use of airports, airways or other facilities.

ARTICLE V

The laws and regulations of each state relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other state, and shall be complied with by such aircraft, upon entering or departing from or while within the territory of that State.

ARTICLE VI

Each Government reserves the right to withhold or revoke a certificate or permit to an airline of the other State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of that State, or in case of failure of an airline to comply with the laws of the State over which it operates, as described in Article V, or to perform its obligations under this Agreement.

ARTICLE VII

This Agreement shall apply to the territory of the continental United States including Alaska, and to the territory of Canada including the territorial waters adjacent to each territory.

ARTICLE VIII

The aircraft operated by United States airlines shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of the United States of America for aircraft employed in air transportation of the character contemplated by this Agreement.

The aircraft operated by Canadian airlines shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of Canada for aircraft employed in air transportation of the character contemplated by this Agreement.

ARTICLE IX

The competent authorities of the two Governments shall enter into agreements concerning the transportation of mail on the services authorized by this Agreement.

ARTICLE X

The services authorized by this Agreement and for which rights are specified in the Annex shall be conducted in accordance with the following provisions:

(1) Pending the coming into force of the Interim Agreement on International Civil Aviation done at Chicago on December 7, 1944, they shall be subject to the applicable terms of the Air Navigation Agreement between Canada and the United States of America effected by an exchange of notes of July 28, 1938.*

(2) Additional stops may be made in the territory of the State of which an airline is a national at the election of that State, provided that these stops lie in reasonable proximity to the direct route connecting the terminals indicated in the Annex, and subject to the special provisions indicated therein with respect to particular routes;

(3) Holders of through tickets travelling on a through international service may make stop-overs at any point where a landing is made even though such landing is made at a point not otherwise authorized for the pick-up and discharge of traffic;

(4) Future proposals for services between any point in Alaska and any point in Canada west of the 130th meridian shall be initially considered (unless in any particular case the two Governments shall agree to follow a different course) by a representative designated by each Government, whose recommendations shall be transmitted to the two Governments for action;

(5) The routes specified in the Annex shall be open for operation by properly designated airlines at any time during the life of the Agreement. The rights shall not lapse with any failure to exercise them, or any interruption of such exercise.

ARTICLE XI

This Agreement supersedes that relating to air transport services effected by an exchange of notes of August 18, 1939,** the supplementary arrangement relating to air transport services effected by an exchange of notes of November 29 and December 2, 1940,*** and the exchange of notes of March 4, 1943,**** which continued in force the supplementary arrangement of November 29 and December 2, 1940.

ARTICLE XII

The Annex to this Agreement shall be reviewed from time to time by the competent aeronautical authorities of the two Governments. These authorities may recommend to their respective Governments modifications of the Annex. Such modifications, if approved by both Governments, shall be made effective by exchange of notes.

* *Treaty Series 1938, No. 8.*

** *Treaty Series 1939, No. 10.*

*** *Treaty Series 1940, No. 13.*

**** *Treaty Series 1943, No. 4.*

XIII

This Agreement and all contracts connected therewith, shall be registered with the Provisional International Civil Aviation Organization.

ARTICLE XIV

This Agreement shall become effective on February 19, 1945, and shall remain in effect until terminated by mutual agreement or until twelve months after the giving of notice by either Government to the other Government.

ANNEX

A—The airlines designated by the Government of the United States of America may operate on the following routes, with the right to take on and put down passengers, mail and cargo at the Canadian terminals specified:

Boston	—	Moncton
Boston	—	Montreal
New York or	{	Quebec
Boston		
New York	{	Montreal
		Ottawa
(Provided that Montreal and Ottawa shall not be served on the same flight)		
Washington	{	Montreal
		Ottawa

(Provided that Montreal and Ottawa shall not be served on the same flight, and that the last point touched in the United States, if it be other than Washington, shall lie east of the 77th meridian)

Buffalo	—	Toronto
Fargo	—	Winnipeg
Great Falls	—	Lethbridge
Seattle	—	Vancouver
Seattle	—	Whitehorse
Fairbanks	—	Whitehorse

The service on the route between Buffalo and Toronto may, at the election of the United States Government, be rendered by two airlines. On the other routes, service by a single airline only will be authorized.

In addition to the routes listed above, airlines of United States registry will be authorized to stop in Windsor on any route on which they are now or in the future may be authorized by the United States Government to serve Detroit.

B—The airlines designated by the Government of Canada may operate on the following routes, with the right to take on and put down passengers, mail and cargo at the United States terminals specified:

Halifax	—	Boston
Toronto	—	New York
Toronto	—	Cleveland
Toronto	—	Chicago

(No stop will be made on this route at any Canadian point within forty miles of Detroit)

Port Arthur	—	Duluth
Victoria	—	Seattle
Whitehorse	—	Fairbanks

A single airline will be authorized for each of the foregoing routes. With respect to the routes between Toronto and Cleveland and Toronto and Chicago, no through services will be operated from either point in the United States to points lying beyond the territorial limits of Canada.

In addition to the routes listed above, airlines of Canadian registry will be authorized to stop in Detroit on any route on which they are now or in the future may be authorized by the Canadian Government to serve Windsor.

If these proposals are acceptable to the Government of the United States of America, this note, and your reply thereto accepting the proposals, shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

L. B. PEARSON,
Canadian Ambassador.

II

*The United States Acting Secretary of State
to the Canadian Ambassador*

DEPARTMENT OF STATE

WASHINGTON, February 17, 1945.

EXCELLENCY:

I have the honor to acknowledge your note No. 46 of February 17, 1945, in which you propose that an agreement be entered into between the Governments of the United States of America and Canada relating to civil air transport.

The agreement as proposed in your note is acceptable to the Government of the United States of America. Your note and this reply are regarded as placing on record the understanding arrived at between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

*For the Acting Secretary of State,
W. L. CLAYTON.*

Gov. Doe
Can
E

CANADA

TREATY SERIES, 1945

No. 3

EXCHANGE OF NOTES

(February 26, 1945)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONSTITUTING AN

AGREEMENT CONCERNING THE
CANOL PROJECT

In Force February 26, 1945



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

Price, 25 cents

CANADA

TREATY SERIES, 1945
No. 3

EXCHANGE OF NOTES

(February 26, 1945)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONSTITUTING AN

AGREEMENT CONCERNING
THE CANOL PROJECT

In Force February 26, 1945



OTTAWA
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**EXCHANGE OF NOTES (FEBRUARY 26, 1945) BETWEEN CANADA
AND THE UNITED STATES OF AMERICA CONSTITUTING AN
AGREEMENT CONCERNING THE CANOL PROJECT.**

I

*The United States Ambassador to Canada
to the Secretary of State for External Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

Ottawa, February 26, 1945.

No. 290

SIR:

I have the honor to refer to previous correspondence and specifically to the exchanges of notes of June 27 and 29, 1942.* August 14 and 15, 1942,† and June 7, 1944,‡ as well as to recent discussions which have taken place with officials of your Government, all with regard to the Canol Project.

In the note of June 27, 1942, my Government proposed that the pipeline from Norman Wells to Whitehorse and the refinery at Whitehorse should be operated under contracts with it or by its agents or representatives during the war. I am instructed now to propose that this shall not be construed as requiring that the United States shall continue to operate the pipeline and the refinery until the termination of hostilities, and further to seek the agreement of your Government that the United States may terminate or modify operation of any or all of the facilities of the Canol Project including the products pipeline system when, in its opinion, military considerations make such a course desirable. It is understood that the United States authorities will remain responsible for such care or maintenance of the facilities as they regard as necessary or desirable.

In the exchange of notes of August 14 and 15, 1942, it was provided that at the termination of hostilities discussions should be undertaken at the request of either Government with a view to reaching an agreement in regard to the disposition of the pipeline from Skagway to Whitehorse. Subsequently, by exchange of notes dated June 7, 1944, the two Governments agreed that the foregoing arrangements should apply also to the gasoline distribution lines from Carcross to Watson Lake and from Whitehorse to Fairbanks. My Government now desires to propose that the products pipeline system be evaluated by the appraisers appointed for the valuation of the crude oil system, but as an independent problem.

The exchange of notes of June 27 and 29, 1942, provides for valuation of the crude oil pipeline and refinery at the termination of hostilities at the then commercial value of these facilities. My Government now desires to propose that all the facilities of the Canol Project, including the products pipeline system, shall be valued at their commercial values as of the time or times of the completion of the appraisal, and in this connection it proposes that appraisal of the Canol Project should be initiated within a reasonable time following notice of the termination of operation of the project, or a major part thereof, and completed as soon as practicable.

* For the text of the Exchange of Notes of June 27 and 29, 1942, see *Canada Treaty Series, 1942*, No. 23.

† For the text of the Exchange of Notes of August 14 and 15, 1942, see *Canada Treaty Series, 1942*, No. 24.

‡ For the text of the Exchange of Notes of June 7, 1944, see *Canada Treaty Series, 1944*, No. 16.

It therefore further proposes that the two Governments appoint representatives at an early date in order jointly to inspect the physical property, collect information and submit preliminary reports relating to evaluation as early as practicable and, if possible, prior to the termination of operations.

If your Government agrees to the proposals made herein it is suggested that this note and your reply indicating such agreement shall be regarded as placing on record the understanding of the two Governments on this matter.

Accept, Sir, the renewed assurances of my highest consideration.

RAY ATHERTON.

II

*The Secretary of State for External Affairs
to the United States Ambassador*

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, February 26, 1945.

No. 17

EXCELLENCY,

I have the honour to acknowledge your note No. 290 of February 26 in which you make certain proposals with regard to the Canol Project.

The proposals set forth in your note are acceptable to the Canadian Government, and it is agreed that your note and this reply shall be regarded as placing on record the understanding arrived at between the two Governments on this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING,
Secretary of State for External Affairs.

Canada - External Affairs

CANADA

TREATY SERIES, 1945

No. 4

EXCHANGE OF NOTES

(February 9, 1945)

BETWEEN

CANADA AND BRAZIL

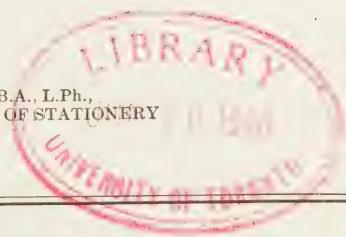
RECORDING AN

AGREEMENT RELATING TO
MILITARY SERVICE

In Force February 9, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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1948



CANADA

TREATY SERIES, 1945
No. 4

EXCHANGE OF NOTES
(February 9, 1945)

BETWEEN
CANADA AND BRAZIL

RECORDING AN
AGREEMENT RELATING TO
MILITARY SERVICE

In Force February 9, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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**EXCHANGE OF NOTES (FEBRUARY 9, 1945) BETWEEN CANADA AND
BRAZIL RECORDING AN AGREEMENT RELATING TO MILITARY
SERVICE.**

I

*The Canadian Ambassador to Brazil
to the Acting Foreign Minister of Brazil*

CANADIAN EMBASSY

Rio de Janeiro, February 9, 1945.

No. 8

SIR,

I have the honour to refer to our previous discussions regarding certain problems affecting Brazilians serving in the Canadian armed forces or assisting in some other manner the war effort of Canada, and Canadians serving in the Brazilian armed forces or contributing in some other way to the war effort of Brazil.

In this connection, I have the honour to inform Your Excellency that, desirous of rendering more effective the military and political collaboration with Brazil and, further, having in view the fact that the objectives of the common struggle in which Canada and Brazil, together with the other United Nations, are engaged, are not limited to the individual interests of individual nations but include also the defence of civilization and the preservation of ideals common to the people of all the United Nations, the Government of Canada considers it desirable and opportune to conclude an agreement as follows:—

I—Brazilian citizens in Canada and Canadian nationals in Brazil are authorized to perform for the Governments of Canada and Brazil respectively military service or any other public service connected with their war effort.

II—The authorization mentioned in the preceding article, in view of the motives inspiring it and reasons of equity, will have retroactive effect, being thus applicable to all Brazilians who since the 10th September 1939 have been or are still serving in the armed forces of Canada; similarly, this authorization will apply to all Canadian nationals who since the 1st August 1942 have been or are incorporated in the Brazilian armed forces. The performance of public service connected with the war effort of either country shall be considered equal to the performance of military service.

III—Brazilians who have effectively served in the armed forces of Canada will be entitled in Brazil to certificate of compliance with military service; similarly, the Canadian Government will furnish Canadian nationals who under the provisions of this agreement have effectively served in the armed forces of Brazil with a similar document whenever the interested person so requests.

IV—A period of two years from the definitive cessation of the war in which Canada and Brazil are engaged against their common enemy shall be granted to interested persons to obtain the certificates referred to in Article III.

V—The Government of Canada and the Brazilian Government undertake to exchange regularly through the intermediary of their Diplomatic Missions lists with all necessary information of the nationals of the other country who are in the situation provided for in the preceding articles.

VI—The present agreement will enter into force on this date and remain in force until one year after the definitive cessation of the war in which Canada and Brazil are engaged against their common enemy.

This present note and Your Excellency's reply thereto, if the proposals are acceptable, will be considered as placing on formal record the understanding between the two Governments on this matter.

I avail myself of the opportunity of renewing to Your Excellency the assurance of my highest consideration.

JEAN DÉSY,
Canadian Ambassador.

II

*The Acting Foreign Minister of Brazil
to the Canadian Ambassador*

MINISTÉRIO DAS RELAÇÕES EXTERIORES

Rio de Janeiro, em 9 de fevereiro de 1945.

DPP/DAI/5/522.2(21)

SENHOR EMBAIXADOR,

Tenho a honra de acusar recebimento da nota no. 8 de 9 do mês corrente, na qual Vossa Exceléncia se refere à situação dos brasileiros servindo nas fôrças armadas canadenses e dos canadenses servindo nas fôrças armadas brasileiras, ou cooperando, uns e outros, por qualquer outra maneira, no esforço de guerra de ambos os países.

2. A êste respeito, manifesta Vossa Exceléncia o desejo do Governo do Canadá de concluir um acôrdo com o Governo brasileiro, visando não só tornar mais eficaz a colaboração militar e política com o Brasil, como também a circunstância de que os objetivos da luta comum em que ambos se acham empenhados, conjuntamente com as demais Nações Unidas, não se limitam aos interesses individuais de cada nação, mas abrangem também a defesa da civilização e a preservação de ideais comuns aos povos de todas as Nações Unidas.

3. Dentro dessa ordem de idéias, propõe Vossa Exceléncia a conclusão de um acôrdo nas seguintes bases:

I—Os cidadãos brasileiros no Canadá e os súditos canadenses no Brasil ficam autorizados a prestar aos Governos do Canadá e do Brasil, respectivamente, serviço militar ou qualquer outro serviço público ligado a seu esforço de guerra.

II—A autorização de que trata o artigo anterior, dados os motivos que a inspiram e as razões de equidade, terá efeitos retroativos, beneficiando assim a todos os brasileiros que, a partir de 10 de setembro de 1939, tenham estado ou estejam ainda engajados nas fôrças armadas do Canadá; do mesmo modo, aproveitará essa autorização a todos os súditos canadenses que, a partir de 1º de agosto de 1942, tenham estado ou estejam incorporados às fôrças armadas brasileiras. A prestação do serviço militar é equiparado o desempenho de serviço público conexo ao esforço de guerra de ambos os países.

III—Os brasileiros que tiverem efetivamente servido nas forças armadas do Canadá terão direito, no Brasil, a certificado de quitação com o serviço militar; do mesmo modo, aos súditos canadenses que, nas condições deste Acôrdo, tiverem efetivamente servido nas forças armadas do Brasil, fornecerá o Govêrno do Canadá documento semelhante, sempre que o solicite o interessado.

IV—Para obtenção dos certificados a que se refere o artigo III, será concedido aos interessados o prazo de dois anos a partir da definitiva cessação da guerra em que o Canadá e o Brasil se acham empenhados contra o inimigo comum.

V—O Govêrno do Canadá e o Govêrno brasileiro obrigamse a remeter regularmente, por intermédio de suas Missões diplomáticas, as listas, devidamente informadas, dos nacionais do outro país que se encontram nas situações previstas pelos artigos anteriores.

VI—O presente Acôrdo entrará em vigor nesta data e vigorará até um ano após a definitiva cessação da guerra em que o Canadá e o Brasil se acham empenhados contra o inimigo comum.

4. Acrescenta, por fim, Vossa Excelênciia que no caso de ser aceita a sua proposta, tanto a nota de Vossa Excelênciia acima referida, como a presente resposta, valerão como um documento formal de acôrdo, sôbre a matéria, entre os dois Govêrnos.

5. Em resposta, estou autorizado a declarar a Vossa Excelênciia que o Govêrno brasileiro aceita, com a maior satisfação, a proposta do Govêrno do Canadá, devendo pois considerar-se como efetivamente assentado, neste particular, o acôrdo entre os dois Govêrnos.

Aproveito a oportunidade para renovar a Vossa Excelênciia os protestos da minha mais alta consideração.

PEDRO LEÃO VELLOSO.

Translation

MINISTRY OF EXTERNAL RELATIONS

Rio de Janeiro, February 9, 1945.

DPP/DAI/5/522.2(21)

MONSIEUR L'AMBASSADEUR,

I have the honour to acknowledge receipt of the note number 8 of the 9th instant in which Your Excellency refers to the situation of Brazilians serving in the Canadian armed forces and of Canadians serving in the Brazilian armed forces or co-operating respectively in some other way in the war effort of either country.

2. In this respect, Your Excellency has indicated the desire of the Government of Canada to conclude an agreement with the Brazilian Government with a view not only to rendering more effective the military and political co-operation with Brazil, as also by the circumstance that the objectives of the common struggle in which the two countries are engaged together with the other United Nations are not limited to the individual interests of each nation but include also the defence of civilization and the preservation of ideals common to the peoples of all the United Nations.

3. In accordance with these ideas Your Excellency proposes the conclusion of an agreement on the following basis:

I—Brazilian citizens in Canada and Canadian nationals in Brazil are authorized to perform for the Governments of Canada and Brazil respectively military service or any other public service connected with their war effort.

II—The authorization mentioned in the preceding article, in view of the motives inspiring it and reasons of equity, will have retroactive effect, being thus applicable to all Brazilians who since the 10th September, 1939 have been or are still serving in the armed forces of Canada; similarly, this authorization will apply to all Canadian nationals who since the 1st August, 1942 have been or are incorporated in the Brazilian armed forces. The performance of public service connected with the war effort of either country shall be considered equal to the performance of military service.

III—Brazilians who have effectively served in the armed forces of Canada will be entitled in Brazil to certificate of compliance with military service; similarly, the Canadian Government will furnish Canadian nationals who under the provisions of this agreement have effectively served in the armed forces of Brazil with a similar document whenever the interested person so requests.

IV—A period of two years from the definitive cessation of the war in which Canada and Brazil are engaged against their common enemy shall be granted to interested persons to obtain the certificates referred to in Article III.

V—The Government of Canada and the Brazilian Government undertake to exchange regularly through the intermediary of their Diplomatic Missions lists with all necessary information of the nationals of the other country who are in the situation provided for in the preceding articles.

VI—The present agreement will enter into force on this date and remain in force until one year after the definitive cessation of the war in which Canada and Brazil are engaged against their common enemy.

4. Your Excellency adds finally that in the event of the proposal being accepted, Your Excellency's note referred to above, together with the present reply, will have the force of a formal document of agreement on the question between the two Governments.

5. In reply I am authorized to declare to Your Excellency that the Brazilian Government accepts with the greatest satisfaction the proposal of the Government of Canada, considering thus effectively concluded in this particular the agreement between the two Governments.

I take the opportunity to renew to Your Excellency the assurance of my highest consideration.

PEDRO LEÃO VELLOSO.

Canada External Affairs Sept 1945

CANADA

TREATY SERIES, 1945

No. 5

EXCHANGE OF NOTES

(March 13 and 16, 1945)

BETWEEN

CANADA AND NEWFOUNDLAND

CONCERNING

THE OPERATION OF A COMMERCIAL AIR
SERVICE BY TRANS-CANADA AIR LINES

In force April 1, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., LL.B.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948



Price, 25 cents

CANADA

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**EXCHANGE OF NOTES (MARCH 13 AND 16, 1945) BETWEEN CANADA
AND NEWFOUNDLAND CONCERNING THE OPERATION OF A
COMMERCIAL AIR SERVICE BY TRANS-CANADA AIR LINES.**

I

*The High Commissioner for Canada to Newfoundland to the Commissioner for
Public Utilities of Newfoundland*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

ST. JOHN'S, NEWFOUNDLAND, March 13th, 1945.

No. 32

Sir,

I have been instructed by my Government to request that the Agreement entered into in 1942 for the operation of a commercial air service between Canada and Newfoundland by Trans-Canada Air Lines (1), and subsequently extended, by yearly periods until March 31st, 1945, (2) be extended for a further period of one year from April 1st, 1945 to March 31st, 1946, inclusive.

Accept, Sir, the assurances of my highest consideration,

J. S. MACDONALD,
High Commissioner for Canada.

II

*The Commissioner for Public Utilities of Newfoundland to the
High Commissioner for Canada*

DEPARTMENT OF PUBLIC WORKS

ST. JOHN'S, 16th March, 1945.

Sir,

With reference to your letter No. 32 of the 13th March, 1945, I have the honour to forward herewith a licence to Trans-Canada Air Lines to operate a commercial air service in accordance with the agreement effected by the exchange of letters enumerated in the licence.

I have the honour to be, Sir, your obedient servant,

G. E. LONDON,
Commissioner for Public Utilities.

(1) *Canada Treaty Series 1942*, No. 19.

(2) *Canada Treaty Series 1943*, No. 20; *1944*, No. 8.

ENCLOSURE

LICENCE FOR THE OPERATION OF A COMMERCIAL AIR SERVICE FOR THE
TRANSPORTATION OF GOODS, MAIL AND PASSENGERS
To Trans-Canada Air Lines

This licence is issued under authority of His Excellency the Governor of Newfoundland in Commission conferred upon the Commissioner for Public Utilities by Minute of Commission dated the 30th day of April, 1942.

Trans-Canada Air Lines is hereby authorised to operate a commercial air service for the transportation of goods, mail and passengers between airports in Newfoundland situate at Gander and Torbay and airports in Canada.

This licence is issued to give effect to an agreement made with the Government of Newfoundland contained in an exchange of letters as follows:

Letter from the High Commissioner for Canada to the Acting Commissioner for Public Utilities dated 6th February, 1942.

Letter from the Acting Commissioner for Public Utilities to the High Commissioner for Canada dated 7th February, 1942.

Letter from the High Commissioner for Canada to the Acting Commissioner for Public Utilities dated 9th February, 1942.

Letter from the Commissioner for Public Utilities to the High Commissioner for Canada dated 27th February, 1942.

and the authority to operate an air service hereby conferred is subject to the provisions of the said agreement as in the said letters set out.

This licence shall have effect from the 1st day of April, 1945, and subject to the provisions of the said agreement shall continue in effect until the 31st day of March, 1946.

This licence may be required to be replaced or supplemented by any permit or licence necessary for the operation of the service under the provisions of any of the laws of Newfoundland.

G. E. LONDON,
Commissioner for Public Utilities.

CANADA
TREATY SERIES, 1945
No. 6

EXCHANGE OF NOTES
(April 12 and May 7, 1945)
BETWEEN
CANADA AND MEXICO

AMENDING THE AGREEMENT IN RESPECT OF
CONSCRIPTION FOR MILITARY SERVICE
EFFECTED BY AN EXCHANGE OF NOTES
DATED FEBRUARY 29, 1944

In force May 7, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

CANADA

TREATY SERIES, 1945

No. 6

EXCHANGE OF NOTES

(April 12 and May 7, 1945)

BETWEEN

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AMENDING THE AGREEMENT IN RESPECT OF
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OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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1948

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**EXCHANGE OF NOTES (APRIL 12, MAY 7, 1945) BETWEEN CANADA
AND THE UNITED STATES OF MEXICO AMENDING THE AGREEMENT
IN RESPECT OF CONSCRIPTION FOR MILITARY SERVICE
EFFECTED BY AN EXCHANGE OF NOTES DATED FEBRUARY 29,
1944.***

I

*The Canadian Ambassador to Mexico
to the Mexican Minister of Foreign Affairs*

CANADIAN EMBASSY

MEXICO, D.F., April 12th, 1945.

No. 15

YOUR EXCELLENCY,

I have the honour to refer to the exchange of notes between Your Excellency and the British Ambassador to Mexico dated the 29th of February, 1944, regarding an agreement between the Government of Canada and the Government of Mexico in respect of the Conscription for military service of Canadian nationals in Mexico and Mexican nationals in Canada. A decree appearing in the "Diario Oficial" on December 29th, 1944, gave the approval of the Mexican Senate to the said agreement.

Paragraph I of this agreement provides that:

"Neither Government shall send a notice of conscription to a national of the other country, residing in its territory, without transmitting, to the appropriate authority of the other Government, two months' notice of intention to call the said national for military service. In the case of Canada, the appropriate authority shall be His Majesty's Representative in Mexico; and, in the case of Mexico, the appropriate authority shall be the Mexican Consul-General at Montreal."

In view of the fact that diplomatic relations have now been established between Mexico and Canada and that there now exist a Mexican Embassy in Ottawa and a Canadian Embassy in Mexico, I have the honour to suggest that the wording of the last sentence of Paragraph I should be revised to read as follows:

"In the case of Canada, the appropriate authority will be the Canadian Ambassador to Mexico and in the case of Mexico, the appropriate authority will be the Mexican Ambassador to Canada."

In the event that this proposal is agreeable to the Government of Mexico, I have the honour to suggest that this note and Your Excellency's reply to this effect be regarded as amending the original agreement with effect from the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

HUGH L. KEENLEYSIDE

* For the text of the Exchange of Notes of February 29, 1944, see *Canada Treaty Series 1944, No. 7.*

II

*The Acting Mexican Minister of Foreign Affairs
to the Canadian Ambassador*

SECRETARÍA DE RELACIONES EXTERIORES

MÉXICO, D.F., 7 de mayo de 1945.

SEÑOR EMBAJADOR:

Tengo el honor de referirme a la atenta nota de Vuestra Excelencia, número 15, fechada el 12 de abril último, en la que indica que en vista de que ya se han establecido relaciones diplomáticas directas entre México y Canadá y considerando las medidas adoptadas al respecto, sugiere se modifique la última oración del párrafo I del Convenio celebrado el 29 de febrero de 1944 referente a la conscripción para el Servicio Militar.

El Gobierno de México concuerda con el de Canadá en la conveniencia de que la última oración del párrafo I de referencia quede redactada en la forma que muy atinadamente propone Vuestra Excelencia en la nota que tengo el honor de contestar y que su texto sea el siguiente:

“En el caso de Canadá, la autoridad competente será el Embajador de Canadá en México, y en el caso de México, la autoridad competente será el Embajador de México en Canadá”.

De acuerdo con lo manifestado por Vuestra Excelencia, el Gobierno de México considerará que la nota que me es grato contestar y la presente reforman el Convenio original, entrando en vigor a partir de esta fecha.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

PABLO CAMPOS ORTIZ

(Translation)

DEPARTMENT OF FOREIGN AFFAIRS

MEXICO, D.F., May 7th, 1945.

EXCELLENCY,

I have the honour to refer to Your Excellency's note No. 15 of April 12th, in which you indicate that in view of the fact that diplomatic relations have been established between Mexico and Canada and the measures adopted to that effect, you suggest that the last part of the first paragraph of the agreement signed on February 29th, 1944, concerning conscription for Military Service should be changed.

The Government of Mexico agrees with the Government of Canada to changing the last part of Paragraph I under reference to read as stated in the note which I have the honour to acknowledge and that the text should be the following:

“In the case of Canada, the appropriate authority will be the Canadian Ambassador to Mexico and in the case of Mexico, the appropriate authority will be the Mexican Ambassador to Canada.”

In accordance with the suggestion made by Your Excellency, the Government of Mexico will consider the present note and that which I have the honour to acknowledge as changing the original agreement, and effective as from this date.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

PABLO CAMPOS ORTIZ

CANADA

TREATY SERIES, 1945

No. 7

CHARTER OF THE UNITED NATIONS

INCLUDING THE

STATUTE OF THE INTERNATIONAL COURT
OF JUSTICE

TOGETHER WITH THE

INTERIM ARRANGEMENTS
ESTABLISHING THE PREPARATORY
COMMISSION OF THE UNITED NATIONS

Signed at San Francisco, June 26, 1945

CANADA

RECUEIL DES TRAITÉS, 1945

N° 7

CHARTE DES NATIONS UNIES

COMPRENANT LE

STATUT DE LA COUR INTERNATIONALE
DE JUSTICE

SUIVIE DES

ARRANGEMENTS PROVISOIRES
ÉTABLISSANT LA COMMISSION PRÉPARATOIRE
DES NATIONS UNIES

Signés à San Francisco le 26 juin 1945



OTTAWA

EDMOND CLOUTIER

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1945

CANADA

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CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS

DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS

TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

CHARTE DES NATIONS UNIES

NOUS, PEUPLES DES NATIONS UNIES

RÉSOLUS

à préserver les générations futures du fléau de la guerre qui deux fois en l'espace d'une vie humaine a infligé à l'humanité d'indicibles souffrances,

à proclamer à nouveau notre foi dans les droits fondamentaux de l'homme, dans la dignité et la valeur de la personne humaine, dans l'égalité de droits des hommes et des femmes, ainsi que des nations, grandes et petites,

à créer les conditions nécessaires au maintien de la justice et du respect des obligations nées des traités et autres sources du droit international,

à favoriser le progrès social et instaurer de meilleures conditions de vie dans une liberté plus grande,

ET À CES FINS

à pratiquer la tolérance, à vivre en paix l'un avec l'autre dans un esprit de bon voisinage,

à unir nos forces pour maintenir la paix et la sécurité internationales,

à accepter les principes et instituer des méthodes garantissant qu'il ne sera pas fait usage de la force des armes, sauf dans l'intérêt commun,

à recourir aux institutions internationales pour favoriser le progrès économique et social de tous les peuples,

AVONS DÉCIDÉ D'ASSOCIER NOS EFFORTS

POUR RÉALISER CES DESSEINS.

En conséquence, nos Gouvernements respectifs, par l'intermédiaire de leurs représentants, réunis en la ville de San Francisco, et munis de pleins pouvoirs reconnus en bonne et due forme, ont adopté la présente Charte des Nations Unies et établissent par les présentes une organisation internationale qui prendra le nom de Nations Unies.

CHAPITRE I

BUTS ET PRINCIPES

Article 1

Les Buts des Nations Unies sont les suivants:

1. Maintenir la paix et la sécurité internationales et à cette fin: prendre des mesures collectives efficaces en vue de prévenir et d'écartier les menaces à la paix et de réprimer tout acte d'agression ou autre rupture de la paix, et réaliser, par des moyens pacifiques, conformément aux principes de la justice et du droit international, l'ajustement ou le règlement de différends ou de situations, de caractère international, susceptibles de mener à une rupture de la paix;

2. Développer entre les nations des relations amicales fondées sur le respect du principe de l'égalité des droits des peuples et de leur droit à disposer d'eux-mêmes, et prendre toutes autres mesures propres à consolider la paix du monde;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II

MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

3. Réaliser la coopération internationale en résolvant les problèmes internationaux d'ordre économique, social, intellectuel ou humanitaire, en développant et en encourageant le respect des droits de l'homme et des libertés fondamentales pour tous sans distinction de race, de sexe, de langue ou de religion;

4. Etre un centre où s'harmonisent les efforts des nations vers ces fins communes.

Article 2

L'Organisation des Nations Unies et ses Membres, dans la poursuite des Buts énoncés à l'article 1, doivent agir conformément aux Principes suivants:

1. L'Organisation est fondée sur le principe de l'égalité souveraine de tous ses Membres.

2. Les Membres de l'Organisation, afin d'assurer à tous la jouissance des droits et avantages résultant de leur qualité de Membre, doivent remplir de bonne foi les obligations qu'ils ont assumées aux termes de la présente Charte.

3. Les Membres de l'Organisation règlent leurs différends internationaux par des moyens pacifiques, de telle manière que la paix et la sécurité internationales ainsi que la justice ne soient pas mises en danger.

4. Les Membres de l'Organisation s'abstiennent, dans leurs relations internationales, de recourir à la menace ou à l'emploi de la force, soit contre l'intégrité territoriale ou l'indépendance politique de tout Etat, soit de toute autre manière incompatible avec les Buts des Nations Unies.

5. Les Membres de l'Organisation donnent à celle-ci pleine assistance dans toute action entreprise par elle conformément aux dispositions de la présente Charte et s'abstiennent de prêter assistance à un Etat contre lequel l'Organisation entreprend une action préventive ou coercitive.

6. L'Organisation fait en sorte que les Etats qui ne sont pas Membres des Nations Unies agissent conformément à ces Principes dans la mesure nécessaire au maintien de la paix et de la sécurité internationales.

7. Aucune disposition de la présente Charte n'autorise les Nations Unies à intervenir dans des affaires qui relèvent essentiellement de la compétence nationale d'un Etat ni n'oblige les Membres à soumettre des affaires de ce genre à une procédure de règlement aux termes de la présente Charte; toutefois ce principe ne porte en rien atteinte à l'application des mesures de coercition prévues au chapitre VII.

CHAPITRE II

MEMBRES

Article 3

Sont membres originaires des Nations Unies les Etats qui, ayant participé à la Conférence des Nations Unies pour l'Organisation Internationale à San Francisco ou ayant antérieurement signé la Déclaration des Nations Unies, en date du 1er janvier 1942, signent la présente Charte et la ratifient conformément à l'article 110.

Article 4

1. Peuvent devenir Membres des Nations Unies tous autres Etats pacifiques qui acceptent les obligations de la présente Charte et, au jugement de l'Organisation, sont capables de les remplir et disposés à le faire.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III

ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV

THE GENERAL ASSEMBLY

Composition

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

2. L'admission comme Membre des Nations Unies de tout Etat remplissant ces conditions se fait par décision de l'Assemblée Générale sur recommandation du Conseil de Sécurité.

Article 5

Un Membre de l'Organisation contre lequel une action préventive ou coercitive a été entreprise par le Conseil de Sécurité, peut être suspendu par l'Assemblée Générale, sur recommandation du Conseil de Sécurité, de l'exercice des droits et priviléges inhérents à la qualité de Membre. L'exercice de ces droits et priviléges peut être rétabli par le Conseil de Sécurité.

Article 6

Si un Membre de l'Organisation enfreint de manière persistante les Principes énoncés dans la présente Charte, il peut être exclu de l'Organisation par l'Assemblée Générale sur recommandation du Conseil de Sécurité.

CHAPITRE III

ORGANES

Article 7

1. Il est créé comme organes principaux de l'Organisation des Nations Unies: une Assemblée Générale, un Conseil de Sécurité, un Conseil Economique et Social, un Conseil de Tutelle, une Cour Internationale de Justice et un Secrétariat.

2. Les organes subsidiaires qui se révéleraient nécessaires pourront être créés conformément à la présente Charte.

Article 8

Aucune restriction ne sera imposée par l'Organisation à l'accès des hommes et des femmes, dans des conditions égales, à toutes les fonctions, dans ses organes principaux et subsidiaires.

CHAPITRE IV

ASSEMBLÉE GÉNÉRALE

Composition

Article 9

1. L'Assemblée Générale se compose de tous les Membres des Nations Unies.

2. Chaque Membre a cinq représentants au plus à l'Assemblée Générale.

Fonctions et Pouvoirs

Article 10

L'Assemblée Générale peut discuter toutes questions ou affaires rentrant dans le cadre de la présente Charte ou se rapportant aux pouvoirs et fonctions de l'un quelconque des organes prévus dans la présente Charte, et, sous réserve des dispositions de l'article 12, formuler sur ces questions ou affaires des recommandations aux Membres de l'Organisation des Nations Unies, au Conseil de Sécurité, ou aux Membres de l'Organisation et au Conseil de Sécurité.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations

Article 11

1. L'Assemblée Générale peut étudier les principes généraux de coopération pour le maintien de la paix et de la sécurité internationales, y compris les principes régissant le désarmement et la réglementation des armements, et faire, sur ces principes, des recommandations soit aux Membres de l'Organisation, soit au Conseil de Sécurité, soit aux Membres de l'Organisation et au Conseil de Sécurité.

2. L'Assemblée Générale peut discuter toutes questions se rattachant au maintien de la paix et de la sécurité internationales, dont elle aura été saisie par l'une quelconque des Nations Unies, ou par le Conseil de Sécurité, ou par un Etat qui n'est pas Membre de l'Organisation, conformément aux dispositions de l'article 35, paragraphe 2, et, sous réserve de l'article 12, faire sur toutes questions de ce genre des recommandations soit à l'Etat ou aux Etats intéressés, soit au Conseil de Sécurité, soit aux Etats et au Conseil de Sécurité. Toute question de ce genre qui appelle une action est renvoyée au Conseil de Sécurité par l'Assemblée Générale, avant ou après discussion.

3. L'Assemblée Générale peut attirer l'attention du Conseil de Sécurité sur les situations qui semblent devoir mettre en danger la paix et la sécurité internationales.

4. Les pouvoirs de l'Assemblée Générale énumérés dans le présent article ne limitent pas la portée générale de l'article 10.

Article 12

1. Tant que le Conseil de Sécurité remplit, à l'égard d'un différend ou d'une situation quelconque, les fonctions qui lui sont attribuées par la présente Charte, l'Assemblée Générale ne doit faire aucune recommandation sur ce différend ou cette situation, à moins que le Conseil de Sécurité ne le lui demande.

2. Le Secrétaire Général, avec l'assentiment du Conseil de Sécurité, porte à la connaissance de l'Assemblée Générale, lors de chaque session, les affaires relatives au maintien de la paix et de la sécurité internationales dont s'occupe le Conseil de Sécurité; il avise de même l'Assemblée Générale ou, si l'Assemblée Générale ne siège pas, les Membres de l'Organisation, dès que le Conseil de Sécurité cesse de s'occuper desdites affaires.

Article 13

1. L'Assemblée Générale provoque des études et fait des recommandations en vue de:

- a. développer la coopération internationale dans le domaine politique et encourager le développement progressif du droit international et sa codification;
- b. développer la coopération internationale dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique, et faciliter pour tous, sans distinction de race, de sexe, de langue ou de religion, la jouissance des droits de l'homme et des libertés fondamentales.

2. Les autres responsabilités, fonctions et pouvoirs de l'Assemblée Générale, relativement aux questions mentionnées au paragraphe 1 b ci-dessus sont énoncés aux chapitres IX et X.

Article 14

Sous réserve des dispositions de l'article 12, l'Assemblée Générale peut recommander les mesures propres à assurer l'ajustement pacifique de toute situation, quelle qu'en soit l'origine, qui lui semble de nature à nuire au bien

among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

général ou à compromettre les relations amicales entre nations, y compris les situations résultant d'une infraction aux dispositions de la présente Charte où sont énoncés les Buts et les Principes des Nations Unies.

Article 15

1. L'Assemblée Générale reçoit et étudie les rapports annuels et les rapports spéciaux du Conseil de Sécurité; ces rapports comprennent un compte rendu des mesures que le Conseil de Sécurité a décidées ou prises pour maintenir la paix et la sécurité internationales.

2. L'Assemblée Générale reçoit et étudie les rapports des autres organes de l'Organisation.

Article 16

L'Assemblée Générale remplit, en ce qui concerne le régime international de Tutelle, les fonctions qui lui sont dévolues en vertu des chapitres XII et XIII; entre autres, elle approuve les accords de tutelle relatifs aux zones non désignées comme zones stratégiques.

Article 17

1. L'Assemblée Générale examine et approuve le budget de l'Organisation.

2. Les dépenses de l'Organisation sont supportées par les Membres selon la répartition fixée par l'Assemblée Générale.

3. L'Assemblée Générale examine et approuve tous arrangements financiers et budgétaires passés avec les institutions spécialisées visées à l'article 57 et examine les budgets administratifs desdites institutions en vue de leur adresser des recommandations.

Vote

Article 18

1. Chaque membre de l'Assemblée Générale dispose d'une voix.

2. Les décisions de l'Assemblée Générale sur les questions importantes sont prises à la majorité des deux tiers des membres présents et votant. Sont considérées comme questions importantes: les recommandations relatives au maintien de la paix et de la sécurité internationales, l'élection des membres non permanents du Conseil de Sécurité, l'élection des membres du Conseil Economique et Social, l'élection des membres du Conseil de Tutelle conformément au paragraphe 1 c de l'article 86, l'admission de nouveaux Membres dans l'Organisation, la suspension des droits et priviléges de Membres, l'exclusion de Membres, les questions relatives au fonctionnement du régime de Tutelle et les questions budgétaires.

3. Les décisions sur d'autres questions, y compris la détermination de nouvelles catégories de questions à trancher à la majorité des deux tiers, sont prises à la majorité des membres présents et votant.

Article 19

Un membre des Nations Unies en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne peut participer au vote à l'Assemblée Générale si le montant de ses arriérés est égal ou supérieur à la contribution due par lui pour les deux années complètes écoulées. L'Assemblée Générale peut néanmoins autoriser ce Membre à participer au vote si elle constate que le manquement est dû à des circonstances indépendantes de sa volonté.

*Procedure**Article 20*

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

THE SECURITY COUNCIL

*Composition**Article 23*

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

*Functions and Powers**Article 24*

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

*Procédure**Article 20*

L'Assemblée Générale tient une session annuelle régulière et, lorsque les circonstances l'exigent, des sessions extraordinaires. Celles-ci sont convoquées par le Secrétaire Général sur la demande du Conseil de Sécurité ou de la majorité des Membres des Nations Unies.

Article 21

L'Assemblée Générale établit son règlement intérieur. Elle désigne son Président pour chaque session.

Article 22

L'Assemblée Générale peut créer les organes subsidiaires qu'elle juge nécessaires à l'exercice de ses fonctions.

CHAPITRE V**CONSEIL DE SÉCURITÉ***Composition**Article 23*

1. Le Conseil de Sécurité se compose de onze Membres de l'Organisation. La République de Chine, la France, l'Union des Républiques Soviétiques Socialistes, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et les Etats-Unis d'Amérique sont membres permanents du Conseil de Sécurité. Six autres Membres de l'Organisation sont élus, à titre de membres non permanents du Conseil de Sécurité, par l'Assemblée Générale qui tient spécialement compte, en premier lieu, de la contribution des Membres de l'Organisation au maintien de la paix et de la sécurité internationales et aux autres fins de l'Organisation, et aussi d'une répartition géographique équitable.

2. Les membres non permanents du Conseil de Sécurité sont élus pour une période de deux ans. Toutefois, lors de la première élection des membres non permanents, trois sont élus pour une période d'un an. Les membres sortants ne sont pas immédiatement rééligibles.

3. Chaque membre du Conseil de Sécurité a un représentant au Conseil.

*Fonctions et Pouvoirs**Article 24*

1. Afin d'assurer l'action rapide et efficace de l'Organisation, ses Membres confèrent au Conseil de Sécurité la responsabilité principale du maintien de la paix et de la sécurité internationales et reconnaissent qu'en s'acquittant des devoirs que lui impose cette responsabilité, le Conseil de Sécurité agit en leur nom.

2. Dans l'accomplissement de ces devoirs, le Conseil de Sécurité agit conformément aux Buts et Principes des Nations Unies. Les pouvoirs spécifiques accordés au Conseil de Sécurité pour lui permettre d'accomplir lesdits devoirs sont définis aux chapitres VI, VII, VIII et XII.

3. Le Conseil de Sécurité soumet pour examen des rapports annuels et, le cas échéant, des rapports spéciaux à l'Assemblée Générale.

Article 25

Les Membres de l'Organisation conviennent d'accepter et d'appliquer les décisions du Conseil de Sécurité conformément à la présente Charte.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

*Voting**Article 27*

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

*Procedure**Article 28*

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

Article 26

Afin de favoriser l'établissement et le maintien de la paix et de la sécurité internationales en ne détournant vers les armements que le minimum des ressources humaines et économiques du monde, le Conseil de Sécurité est chargé, avec l'assistance du Comité d'Etat-Major prévu à l'article 47, d'élaborer des plans qui seront soumis aux Membres de l'Organisation en vue d'établir un système de réglementation des armements.

*Vote**Article 27*

1. Chaque membre du Conseil de Sécurité dispose d'une voix.
2. Les décisions du Conseil de Sécurité sur des questions de procédure sont prises par un vote affirmatif de sept membres.
3. Les décisions du Conseil de Sécurité sur toutes autres questions sont prises par un vote affirmatif de sept de ses membres dans lequel sont comprises les voix de tous les membres permanents, étant entendu que, dans les décisions prises aux termes du chapitre VI et du paragraphe 3 de l'article 52, une partie à un différend s'abstient de voter.

*Procédure**Article 28*

1. Le Conseil de Sécurité est organisé de manière à pouvoir exercer ses fonctions en permanence. A cet effet, chaque membre du Conseil de Sécurité doit avoir en tout temps un représentant au siège de l'Organisation.

2. Le Conseil de Sécurité tient des réunions périodiques auxquelles chacun de ses membres peut, s'il le désire, se faire représenter par un membre de son gouvernement ou par quelqu'autre représentant spécialement désigné.

3. Le Conseil de Sécurité peut tenir des réunions à tous endroits autres que le siège de l'Organisation qu'il juge les plus propres à faciliter sa tâche.

Article 29

Le Conseil de Sécurité peut créer les organes subsidiaires qu'il juge nécessaires à l'exercice de ses fonctions.

Article 30

Le Conseil de Sécurité établit son règlement intérieur, dans lequel il fixe le mode de désignation de Son Président.

Article 31

Tout Membre de l'Organisation qui n'est pas membre du Conseil de Sécurité, peut participer, sans droit de vote, à la discussion de toute question soumise au Conseil de Sécurité, chaque fois que celui-ci estime que les intérêts de ce Membre sont particulièrement affectés.

Article 32

Tout Membre des Nations Unies qui n'est pas membre du Conseil de Sécurité ou tout Etat qui n'est pas Membre des Nations Unies, s'il est partie à un différend examiné par le Conseil de Sécurité, est convié à participer, sans droit de vote, aux discussions relatives à ce différend. Le Conseil de Sécurité détermine les conditions qu'il estime juste de mettre à la participation d'un Etat qui n'est pas Membre de l'Organisation.

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendation under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

CHAPITRE VI

RÈGLEMENT PACIFIQUE DES DIFFÉRENDS

Article 33

1. Les parties à tout différend dont la prolongation est susceptible de menacer le maintien de la paix et de la sécurité internationales, doivent en rechercher la solution, avant tout, par voie de négociation, d'enquête, de médiation, de conciliation, d'arbitrage, de règlement judiciaire, de recours aux organismes ou accords régionaux, ou par d'autres moyens pacifiques de leur choix.

2. Le Conseil de Sécurité, s'il le juge nécessaire, invite les parties à régler leur différend par de tels moyens.

Article 34

Le Conseil de Sécurité peut enquêter sur tout différend ou toute situation qui pourrait entraîner un désaccord entre nations ou engendrer un différend, afin de déterminer si la prolongation de ce différend ou de cette situation semble devoir menacer le maintien de la paix et de la sécurité internationales.

Article 35

1. Tout Membre de l'Organisation peut attirer l'attention du Conseil de Sécurité ou de l'Assemblée Générale sur un différend ou une situation de la nature visée dans l'article 34.

2. Un Etat qui n'est pas Membre de l'Organisation peut attirer l'attention du Conseil de Sécurité ou de l'Assemblée Générale sur tout différend auquel il est partie, pourvu qu'il accepte préalablement, aux fins de ce différend, les obligations de règlement pacifique prévues dans la présente Charte.

3. Les actes de l'Assemblée Générale relativement aux affaires portées à son attention en vertu du présent article sont soumis aux dispositions des articles 11 et 12.

Article 36

1. Le Conseil de Sécurité peut, à tout moment de l'évolution d'un différend de la nature mentionnée à l'article 33 ou d'une situation analogue, recommander les procédures ou méthodes d'ajustement appropriées.

2. Le Conseil de Sécurité devra prendre en considération toutes procédures déjà adoptées par les parties pour le règlement de ce différend.

3. En faisant les recommandations prévues au présent article, le Conseil de Sécurité doit aussi tenir compte du fait que, d'une manière générale, les différends d'ordre juridique devraient être soumis par les parties à la Cour Internationale de Justice conformément aux dispositions du Statut de la Cour.

Article 37

1. Si les parties à un différend de la nature mentionnée à l'article 33 ne réussissent pas à le régler par les moyens indiqués audit article, elles le soumettent au Conseil de Sécurité.

2. Si le Conseil de Sécurité estime que la prolongation du différend, semble, en fait, menacer le maintien de la paix et de la sécurité internationale, il décide s'il doit agir en application de l'article 36 ou recommander tels termes de règlement qu'il juge appropriés.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII**ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION***Article 39*

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

Article 38

Sans préjudice des dispositions des articles 33 à 37, le Conseil de Sécurité peut, si toutes les parties à un différend le demandent, faire des recommandations à celles-ci en vue d'un règlement pacifique de ce différend.

CHAPITRE VII

ACTION EN CAS DE MENACE CONTRE LA PAIX, DE RUPTURE DE LA PAIX
ET D'ACTE D'AGGRESSION*Article 39*

Le Conseil de Sécurité constate l'existence d'une menace contre la paix, d'une rupture de la paix ou d'un acte d'agression et fait des recommandations ou décide quelles mesures seront prises conformément aux articles 41 et 42 pour maintenir ou rétablir la paix et la sécurité internationales.

Article 40

Afin d'empêcher la situation de s'aggraver, le Conseil de Sécurité, avant de faire les recommandations ou de décider des mesures à prendre conformément à l'article 39, peut inviter les parties intéressées à se conformer aux mesures provisoires qu'il juge nécessaires ou souhaitables. Ces mesures provisoires ne préjugent en rien les droits, les prétentions ou la position des parties intéressées. En cas de non exécution de ces mesures provisoires, le Conseil de Sécurité tient dûment compte de cette défaillance.

Article 41

Le Conseil de Sécurité peut décider quelles mesures n'impliquant pas l'emploi de la force armée doivent être prises pour donner effet à ses décisions et peut inviter les Membres des Nations Unies à appliquer ces mesures. Celles-ci peuvent comprendre l'interruption complète ou partielle des relations économiques et des communications ferroviaires, maritimes, aériennes, postales, télégraphiques, radio-électriques et des autres moyens de communication, ainsi que la rupture des relations diplomatiques.

Article 42

Si le Conseil de Sécurité estime que les mesures prévues à l'article 41 seraient inadéquates ou qu'elles se sont révélées telles, il peut entreprendre, au moyen de forces aériennes, navales ou terrestres, toute action qu'il juge nécessaire au maintien ou au rétablissement de la paix et de la sécurité internationales. Cette action peut comprendre des démonstrations, des mesures de blocus et d'autres opérations exécutées par des forces aériennes, navales ou terrestres de Membres des Nations Unies.

Article 43

1. Tous les Membres des Nations Unies, afin de contribuer au maintien de la paix et de la sécurité internationales, s'engagent à mettre à la disposition du Conseil de Sécurité, sur son invitation et conformément à un accord spécial ou à des accords spéciaux, les forces armées, l'assistance et les facilités, y compris le droit de passage, nécessaires au maintien de la paix et de la sécurité internationales.

2. L'accord ou les accords susvisés fixeront les effectifs et la nature de ces forces, leur degré de préparation et leur emplacement général, ainsi que la nature des facilités et de l'assistance à fournir.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

3. L'accord ou les accords seront négociés aussitôt que possible, sur l'initiative du Conseil de Sécurité. Ils seront conclus entre le Conseil de Sécurité et des Membres de l'Organisation, ou entre le Conseil de Sécurité et des groupes de Membres de l'Organisation, et devront être ratifiés par les Etats signataires selon leurs règles constitutionnelles respectives.

Article 44

Lorsque le Conseil de Sécurité a décidé de recourir à la force, il doit, avant d'inviter un Membre non représenté au Conseil à fournir des forces armées en exécution des obligations contractées en vertu de l'article 43, convier ledit Membre, si celui-ci le désire, à participer aux décisions du Conseil de Sécurité touchant l'emploi de contingents des forces armées de ce Membre.

Article 45

Afin de permettre à l'Organisation de prendre d'urgence des mesures d'ordre militaire, des Membres des Nations Unies maintiendront des contingents nationaux de forces aériennes immédiatement utilisables en vue de l'exécution combinée d'une action coercitive internationale. Dans les limites prévues par l'accord spécial ou les accords spéciaux mentionnés à l'article 43, le Conseil de Sécurité, avec l'aide du Comité d'Etat-Major, fixe l'importance et le degré de préparation de ces contingents et établit des plans prévoyant leur action combinée.

Article 46

Les plans pour l'emploi de la force armée sont établis par le Conseil de Sécurité avec l'aide du Comité d'Etat-Major.

Article 47

1. Il est établi un Comité d'Etat-Major chargé de conseiller et d'assister le Conseil de Sécurité pour tout ce qui concerne les moyens d'ordre militaire nécessaires au Conseil pour maintenir la paix et la sécurité internationales, l'emploi et le commandement des forces mises à sa disposition, la règlementation des armements et le désarmement éventuel.

2. Le Comité d'Etat-Major se compose des chefs d'Etat-Major des membres permanents du Conseil de Sécurité ou de leurs représentants. Il convie tout Membre des Nations Unies qui n'est pas représenté au Comité d'une façon permanente à s'associer à lui, lorsque la participation de ce Membre à ses travaux lui est nécessaire pour la bonne exécution de sa tâche.

3. Le Comité d'Etat-Major est responsable, sous l'autorité du Conseil de Sécurité, de la direction stratégique de toutes forces armées mises à la disposition du Conseil. Les questions relatives au commandement de ces forces seront réglées ultérieurement.

4. Des sous-comités régionaux du Comité d'Etat-Major peuvent être établis par lui avec l'autorisation du Conseil de Sécurité et après consultation des organismes régionaux appropriés.

Article 48

1. Les mesures nécessaires à l'exécution des décisions du Conseil de Sécurité pour le maintien de la paix et de la sécurité internationales sont prises par tous les Membres des Nations Unies ou certains d'entre eux, selon l'appréciation du Conseil.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article,

2. Ces décisions sont exécutées par les Membres des Nations Unies directement et grâce à leur action dans les organismes internationaux appropriés dont ils font partie.

Article 49

Les Membres des Nations Unies s'associent pour se prêter mutuellement assistance dans l'exécution des mesures arrêtées par le Conseil de Sécurité.

Article 50

Si un Etat est l'objet de mesures préventives ou coercitives prises par le Conseil de Sécurité, tout autre Etat, qu'il soit ou non Membre des Nations Unies, s'il se trouve en présence de difficultés économiques particulières dues à l'exécution desdites mesures, a le droit de consulter le Conseil de Sécurité au sujet de la solution de ces difficultés.

Article 51

Aucune disposition de la présente Charte ne porte atteinte au droit naturel de légitime défense, individuelle ou collective, dans le cas où un Membre des Nations Unies est l'objet d'une agression armée, jusqu'à ce que le Conseil de Sécurité ait pris les mesures nécessaires pour maintenir la paix et la sécurité internationales. Les mesures prises par des Membres dans l'exercice de ce droit de légitime défense sont immédiatement portées à la connaissance du Conseil de Sécurité et n'affectent en rien le pouvoir et le devoir qu'a le Conseil, en vertu de la présente Charte, d'agir à tout moment de la manière qu'il juge nécessaire pour maintenir ou rétablir la paix et la sécurité internationales.

CHAPITRE VIII

ACCORDS RÉGIONAUX

Article 52

1. Aucune disposition de la présente Charte ne s'oppose à l'existence d'accords ou d'organismes régionaux destinés à régler les affaires qui, touchant au maintien de la paix et de la sécurité internationales, se prêtent à une action de caractère régional, pourvu que ces accords ou ces organismes et leur activité soient compatibles avec les Buts et les Principes des Nations Unies.

2. Les Membres des Nations Unies qui concluent ces accords ou constituent ces organismes doivent faire tous leurs efforts pour régler d'une manière pacifique, par le moyen desdits accords ou organismes, les différends d'ordre local, avant de les soumettre au Conseil de Sécurité.

3. Le Conseil de Sécurité encourage le développement du règlement pacifique des différends d'ordre local par le moyen de ces accords ou de ces organismes régionaux, soit sur l'initiative des Etats intéressés, soit sur renvoi du Conseil de Sécurité.

4. Le présent article n'affecte en rien l'application des articles 34 et 35.

Article 53

1. Le Conseil de Sécurité utilise, s'il y a lieu, les accords ou organismes régionaux pour l'application des mesures coercitives prises sous son autorité. Toutefois, aucune action coercitive ne sera entreprise en vertu d'accords régionaux ou par des organismes régionaux sans l'autorisation du Conseil de Sécurité; sont exceptées les mesures contre tout Etat ennemi au sens de la définition donnée

provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

au paragraphe 2 du présent article, prévues en application de l'article 107 ou dans les accords régionaux dirigés contre la reprise, par un tel Etat, d'une politique d'agression, jusqu'au moment où l'Organisation pourra, à la demande des gouvernements intéressés, être chargée de la tâche de prévenir toute nouvelle agression de la part d'un tel Etat.

2. Le terme "Etat ennemi", employé au paragraphe 1 du présent article, s'applique à tout Etat qui, au cours de la seconde guerre mondiale, a été l'ennemi de l'un quelconque des signataires de la présente Charte.

Article 54

Le Conseil de Sécurité doit, en tout temps, être tenu pleinement au courant de toute action entreprise ou envisagée en vertu d'accords régionaux ou par des organismes régionaux, pour le maintien de la paix et de la sécurité internationales.

CHAPITRE IX

COOPÉRATION ÉCONOMIQUE ET SOCIALE INTERNATIONALE

Article 55

En vue de créer les conditions de stabilité et de bien-être nécessaires pour assurer entre les nations des relations pacifiques et amicales fondées sur le respect du principe de l'égalité des droits des peuples et de leur droit à disposer d'eux-mêmes, les Nations Unies favoriseront:

- a. le relèvement des niveaux de vie, le plein emploi et des conditions de progrès et de développement dans l'ordre économique et social;
- b. la solution des problèmes internationaux dans les domaines économique, social, de la santé publique et autres problèmes connexes; et la coopération internationale dans les domaines de la culture intellectuelle et de l'éducation;
- c. le respect universel et effectif des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion.

Article 56

Les Membres s'engagent, en vue d'atteindre les buts énoncés à l'article 55, à agir, tant conjointement que séparément, en coopération avec l'Organisation.

Article 57

1. Les diverses institutions spécialisées créées par accords intergouvernementaux et pourvues, aux termes de leurs statuts, d'attributions internationales étendues dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique et autres domaines connexes, sont reliées à l'Organisation conformément aux dispositions de l'article 63.

2. Les institutions ainsi reliées à l'Organisation sont désignées ci-après par l'expression "Institutions spécialisées".

Article 58

L'Organisation fait des recommandations en vue de coordonner les programmes et activités des institutions spécialisées.

Article 59

L'Organisation provoque, lorsqu'il y a lieu, des négociations entre les Etats intéressés en vue de la création de toutes nouvelles institutions spécialisées nécessaires pour atteindre les buts énoncés à l'article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X

THE ECONOMIC AND SOCIAL COUNCIL

*Composition**Article 61*

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

*Functions and Powers**Article 62*

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 60

L'Assemblée Générale et, sous son autorité, le Conseil Economique et Social qui dispose à cet effet des pouvoirs qui lui sont attribués aux termes du Chapitre X, sont chargés de remplir les fonctions de l'Organisation énoncées au présent chapitre.

CHAPITRE X

CONSEIL ÉCONOMIQUE ET SOCIAL

*Composition**Article 61*

1. Le Conseil Economique et Social se compose de dix-huit Membres des Nations Unies, élus par l'Assemblée Générale.

2. Sous réserve des dispositions du paragraphe 3, six membres du Conseil Economique et Social sont élus chaque année pour une période de trois ans. Les membres sortant sont immédiatement rééligibles.

3. Dix-huit membres du Conseil Economique et Social sont désignés lors de la première élection. Le mandat de six de ces membres expirera au bout d'un an et celui de six autres membres, au bout de deux ans, selon les dispositions prises par l'Assemblée Générale.

4. Chaque membre du Conseil Economique et Social a un représentant au Conseil.

*Fonctions et Pouvoirs**Article 62*

1. Le Conseil Economique et Social peut faire ou provoquer des études et des rapports sur des questions internationales dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique et autres domaines connexes et peut adresser des recommandations sur toutes ces questions à l'Assemblée Générale, aux Membres de l'Organisation et aux institutions spécialisées intéressées.

2. Il peut faire des recommandations en vue d'assurer le respect effectif des droits de l'homme et des libertés fondamentales pour tous.

3. Il peut, sur des questions de sa compétence, préparer des projets de convention pour les soumettre à l'Assemblée Générale.

4. Il peut convoquer, conformément aux règles fixées par l'Organisation, des conférences internationales sur des questions de sa compétence.

Article 63

1. Le Conseil Economique et Social peut conclure avec toute institution visée à l'article 57, des accords fixant les conditions dans lesquelles cette institution sera reliée à l'Organisation. Ces accords sont soumis à l'approbation de l'Assemblée Générale.

2. Il peut coordonner l'activité des institutions spécialisées en se concertant avec elles, en leur adressant des recommandations, ainsi qu'en adressant des recommandations à l'Assemblée Générale et aux Membres des Nations Unies.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

*Voting**Article 67*

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

*Procedure**Article 68*

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 64

1. Le Conseil Economique et Social peut prendre toutes mesures utiles pour recevoir des rapports réguliers des institutions spécialisées. Il peut s'entendre avec les Membres de l'Organisation et avec les institutions spécialisées afin de recevoir des rapports sur les mesures prises en exécution de ses propres recommandations et des recommandations de l'Assemblée Générale sur des objets relevant de la compétence du Conseil.

2. Il peut communiquer à l'Assemblée Générale ses observations sur ces rapports.

Article 65

Le Conseil Economique et Social peut fournir des informations au Conseil de Sécurité et l'assister si celui-ci le demande.

Article 66

1. Le Conseil Economique et Social, dans l'exécution des recommandations de l'Assemblée Générale, s'acquitte de toutes les fonctions qui entrent dans sa compétence.

2. Il peut, avec l'approbation de l'Assemblée Générale, rendre les services qui lui seraient demandés par des Membres de l'Organisation ou par des institutions spécialisées.

3. Il s'acquitte des autres fonctions qui lui sont dévolues dans d'autres parties de la présente Charte ou qui peuvent lui être attribuées par l'Assemblée Générale.

*Vote**Article 67*

1. Chaque membre du Conseil Economique et Social dispose d'une voix.

2. Les décisions du Conseil Economique et Social sont prises à la majorité des membres présents et votant.

*Procédure**Article 68*

Le Conseil Economique et Social institue des commissions pour les questions économiques et sociales et le progrès des droits de l'homme ainsi que toutes autres commissions nécessaires à l'exercice de ses fonctions.

Article 69

Le Conseil Economique et Social, lorsqu'il examine une question qui intéresse particulièrement un Membre de l'Organisation, convie celui-ci à participer, sans droit de vote, à ses délibérations.

Article 70

Le Conseil Economique et Social peut prendre toutes dispositions pour que des représentants des institutions spécialisées participent, sans droit de vote, à ses délibérations et à celles des commissions instituées par lui, et pour que ses propres représentants participent aux délibérations des institutions spécialisées.

Article 71

Le Conseil Economique et Social peut prendre toutes dispositions utiles pour consulter les organisations non gouvernementales qui s'occupent de questions relevant de sa compétence. Cès dispositions peuvent s'appliquer à des organisations internationales et, s'il y a lieu, à des organisations nationales après consultation du Membre intéressé de l'Organisation.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- (e) to transmit regularly to the Secretary-General for information purposes subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

Article 72

1. Le Conseil Economique et Social adopte son règlement intérieur dans lequel il fixe le mode de désignation de son Président.

2. Il se réunit selon les besoins conformément à son règlement; celui-ci comportera des dispositions prévoyant la convocation du Conseil sur la demande de la majorité de ses membres.

CHAPITRE XI

DÉCLARATION RELATIVE AUX TERRITOIRES NON AUTONOMES

Article 73

Les Membres des Nations Unies qui ont ou qui assument la responsabilité d'administrer des territoires dont les populations ne s'administrent pas encore complètement elles-mêmes, reconnaissent le principe de la primauté des intérêts des habitants de ces territoires. Ils acceptent comme une mission sacrée l'obligation de favoriser dans toute la mesure du possible leur prospérité, dans le cadre du système de paix et de sécurité internationales établi par la présente Charte et, à cette fin:

- a. d'assurer, en respectant la culture des populations en question, leur progrès politique, économique et social, ainsi que le développement de leur instruction, de les traiter avec équité et de les protéger contre les abus;
- b. de développer leur capacité de s'administrer elles-mêmes, de tenir compte des aspirations politiques des populations et de les aider dans le développement progressif de leurs libres institutions politiques, dans la mesure appropriée aux conditions particulières de chaque territoire et de ses populations et à leurs degrés variables de développement;
- c. d'affermir la paix et la sécurité internationales;
- d. de favoriser des mesures constructives de développement, d'encourager des travaux de recherche, de coopérer entre eux et, quand les circonstances s'y prêteront, avec les organismes internationaux spécialisés, en vue d'atteindre effectivement les buts sociaux, économiques et scientifiques énoncés au présent article;
- e. de communiquer régulièrement au Secrétaire Général, à titre d'information, sous réserve des exigences de la sécurité et de considérations d'ordre constitutionnel, des renseignements statistiques et autres de nature technique relatifs aux conditions économiques, sociales et de l'instruction dans les territoires dont ils sont respectivement responsables, autres que ceux auxquels s'appliquent les chapitres XII et XIII.

Article 74

Les membres de l'Organisation reconnaissent aussi que leur politique doit être fondée, autant dans les territoires auxquels s'applique le présent chapitre que dans leurs territoires métropolitains, sur le principe général du bon voisinage et dans le domaine social, économique et commercial, compte tenu des intérêts et de la prospérité du reste du monde.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancements of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for a subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

CHAPITRE XII

RÉGIME INTERNATIONAL DE TUTELLE

Article 75

L'Organisation des Nations Unies établira, sous son autorité, un régime international de tutelle pour l'administration et la surveillance des territoires qui pourront être placés sous ce régime en vertu d'accords particuliers ultérieurs. Ces territoires sont désignés ci-après par l'expression "territoires sous Tutelle".

Article 76

Conformément aux Buts des Nations Unies, énoncés à l'article 1 de la présente Charte, les fins essentielles du régime de Tutelle sont les suivantes:

- a. affermir la paix et la sécurité internationales;
- b. favoriser le progrès politique, économique et social des populations des territoires sous Tutelle ainsi que le développement de leur instruction; favoriser également leur évolution progressive vers la capacité à s'administrer eux-mêmes ou l'indépendance, compte tenu des conditions particulières à chaque territoire et à ses populations, des aspirations librement exprimées des populations intéressées et des dispositions qui pourront être prévues dans chaque accord de Tutelle;
- c. encourager le respect des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion, et développer le sentiment de l'interdépendance des peuples du monde;
- d. assurer l'égalité de traitement dans le domaine social, économique et commercial à tous les Membres de l'Organisation et à leurs ressortissants; assurer de même à ces derniers l'égalité de traitement dans l'administration de la justice, sans porter préjudice à la réalisation des fins énoncées ci-dessus, et sous réserve des dispositions de l'article 80.

Article 77

1. Le régime de Tutelle s'appliquera aux territoires entrant dans les catégories ci-dessous et qui viendraient à être placés sous ce régime en vertu d'accords de Tutelle:

- a. territoires actuellement sous mandat;
- b. territoires qui peuvent être détachés d'Etats ennemis par suite de la seconde guerre mondiale;
- c. territoires volontairement placés sous ce régime par les Etats responsables de leur administration.

2. Un accord ultérieur déterminera quels territoires, entrant dans les catégories susmentionnées, seront placés sous le régime de Tutelle, et dans quelles conditions.

Article 78

Le régime de Tutelle ne s'appliquera pas aux pays devenus Membres des Nations Unies, les relations entre celles-ci devant être fondées sur le respect du principe de l'égalité souveraine.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 79

Les termes du régime de Tutelle, pour chacun des territoires à placer sous ce régime, de même que les modifications et amendements qui peuvent y être apportés, feront l'objet d'un accord entre les Etats directement intéressés, y compris la Puissance mandataire dans le cas de territoires sous mandat d'un Membre des Nations Unies, et seront approuvés conformément aux articles 83 et 85.

Article 80

1. A l'exception de ce qui peut être convenu dans les accords particuliers de Tutelle conclus conformément aux articles 77, 79 et 81 et plaçant chaque territoire sous le régime de Tutelle, et jusqu'à ce que ces accords aient été conclus, aucune disposition du présent chapitre ne sera interprétée comme modifiant directement ou indirectement en aucune manière, les droits quelconques d'aucun Etat ou d'aucun peuple ou les dispositions d'actes internationaux en vigueur auxquels des Membres de l'Organisation peuvent être parties.

2. Le paragraphe 1 du présent article ne doit pas être interprété comme motivant un retard ou un ajournement de la négociation et de la conclusion d'accords destinés à placer sous le régime de Tutelle des territoires sous mandat ou d'autres territoires ainsi qu'il est prévu à l'article 77.

Article 81

L'accord de Tutelle comprend dans chaque cas, les conditions dans lesquelles le territoire sous Tutelle sera administré et désigne l'autorité qui en assurera l'administration. Cette autorité, désignée ci-après par l'expression "autorité chargée de l'administration", peut être constituée par un ou plusieurs Etats ou par l'Organisation elle-même.

Article 82

Un accord de Tutelle peut désigner une ou plusieurs zones stratégiques pouvant comprendre tout ou partie du territoire sous Tutelle auquel l'accord s'applique, sans préjudice de tout accord spécial ou de tous accords spéciaux conclus en application de l'article 43.

Article 83

1. En ce qui concerne les zones stratégiques, toutes les fonctions dévolues à l'Organisation, y compris l'approbation des termes des accords de Tutelle ainsi que de la modification ou de l'amendement éventuels de ceux-ci, sont exercées par le Conseil de Sécurité.

2. Les fins essentielles énoncées à l'article 76 valent pour la population de chacune des zones stratégiques.

3. Le Conseil de Sécurité, eu égard aux dispositions des accords de Tutelle et sous réserve des exigences de la sécurité, aura recours à l'assistance du Conseil de Tutelle dans l'exercice des fonctions assumées par l'Organisation au titre du régime de Tutelle, en matière politique, économique et sociale, et en matière d'instruction, dans les zones stratégiques.

Article 84

L'autorité chargée de l'administration a le devoir de veiller à ce que le territoire sous Tutelle apporte sa contribution au maintien de la paix et de la sécurité internationales. A cette fin, elle peut utiliser des contingents de volontaires, les facilités et l'aide du territoire sous Tutelle pour remplir les obligations qu'elle a contractées à cet égard envers le Conseil de Sécurité ainsi que pour assurer la défense locale et le maintien de l'ordre à l'intérieur du territoire sous Tutelle.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII**THE TRUSTEESHIP COUNCIL***Composition**Article 86*

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

*Functions and Powers**Article 87*

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

*Voting**Article 89*

- 1. Each member of the Trusteeship Council shall have one vote.
- 2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Article 85

1. En ce qui concerne les accords de Tutelle relatifs à toutes les zones qui ne sont pas désignées comme zones stratégiques, les fonctions de l'Organisation, y compris l'approbation des termes des accords de Tutelle et de leur modification ou amendement, sont exercées par l'Assemblée Générale.

2. Le Conseil de Tutelle, agissant sous l'autorité de l'Assemblée Générale, assiste celle-ci dans l'accomplissement de ces tâches.

CHAPITRE XIII

CONSEIL DE TUTELLE

*Composition**Article 86*

1. Le Conseil de Tutelle se compose des Membres suivants des Nations Unies:

- a. les Membres chargés d'administrer des territoires sous Tutelle;
- b. ceux des Membres désignés nommément à l'article 23 qui n'administrent pas de territoires sous Tutelle;
- c. autant d'autres Membres élus pour trois ans, par l'Assemblée Générale, qu'il sera nécessaire pour que le nombre total des membres du Conseil de Tutelle se partage également entre les Membres des Nations Unies qui administrent des territoires sous Tutelle et ceux qui n'en administrent pas.

2. Chaque membre du Conseil de Tutelle désigne une personne particulièrement qualifiée pour le représenter au Conseil.

*Fonctions et Pouvoirs**Article 87*

L'Assemblée Générale et, sous son autorité, le Conseil de Tutelle, dans l'exercice de leurs fonctions, peuvent:

- a. examiner les rapports soumis par l'autorité chargée de l'administration;
- b. recevoir des pétitions et les examiner en consultation avec ladite autorité;
- c. faire procéder à des visites périodiques dans les territoires administrés par ladite autorité, à des dates convenues avec elle;
- d. prendre ces dispositions et toutes autres conformément aux termes des accords de Tutelle.

Article 88

Le Conseil de Tutelle établit un questionnaire portant sur les progrès des habitants de chaque territoire sous Tutelle dans les domaines politique, économique et social et dans celui de l'instruction; l'autorité chargée de l'administration de chaque territoire sous Tutelle relevant de la compétence de l'Assemblée Générale adresse à celle-ci un rapport annuel fondé sur le questionnaire précité.

*Vote**Article 89*

1. Chaque membre du Conseil de Tutelle dispose d'une voix.
2. Les décisions du Conseil de Tutelle sont prises à la majorité des membres présents et votant.

*Procedure**Article 90*

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

*Procédure**Article 90*

1. Le Conseil de Tutelle adopte son règlement intérieur dans lequel il fixe le mode de désignation de son Président.

2. Il se réunit selon les besoins, conformément à son règlement; celui-ci comprend des dispositions prévoyant la convocation du Conseil à la demande de la majorité de ses membres.

Article 91

Le Conseil de Tutelle recourt, quand il y a lieu, à l'assistance du Conseil Economique et Social et à celle des institutions spécialisées, pour les questions qui relèvent de leurs compétences respectives.

CHAPITRE XIV

COUR INTERNATIONALE DE JUSTICE

Article 92

La Cour Internationale de Justice constitue l'organe judiciaire principal des Nations Unies. Elle fonctionne conformément à un Statut établi sur la base du Statut de la Cour Permanente de Justice Internationale et annexé à la présente Charte dont il fait partie intégrante.

Article 93

1. Tous les Membres des Nations Unies sont *ipso facto* parties au Statut de la Cour Internationale de Justice.

2. Les conditions dans lesquelles les Etats qui ne sont pas Membres de l'Organisation peuvent devenir parties au Statut de la Cour Internationale de Justice sont déterminées, dans chaque cas, par l'Assemblée Générale sur recommandation du Conseil de Sécurité.

Article 94

1. Chaque Membre des Nations Unies s'engage à se conformer à la décision de la Cour Internationale de Justice dans tout litige auquel il est partie.

2. Si une partie à un litige ne satisfait pas aux obligations qui lui incombent en vertu d'un arrêt rendu par la Cour, l'autre partie peut recourir au Conseil de Sécurité et celui-ci, s'il le juge nécessaire, peut faire des recommandations ou décider des mesures à prendre pour faire exécuter l'arrêt.

Article 95

Aucune disposition de la présente Charte n'empêche les Membres de l'Organisation de confier la solution de leurs différends à d'autres tribunaux en vertu d'accords déjà existants ou qui pourront être conclus à l'avenir.

Article 96

1. L'Assemblée Générale ou le Conseil de Sécurité peut demander à la Cour Internationale de Justice un avis consultatif sur toute question juridique.

2. Tous autres organes de l'Organisation et institutions spécialisées qui peuvent, à un moment quelconque, recevoir de l'Assemblée Générale une autorisation à cet effet, ont également le droit de demander à la Cour des avis consultatifs sur des questions juridiques qui se poseraient dans le cadre de leur activité.

CHAPTER XV

THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI

MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

CHAPITRE XV

SECRÉTARIAT

Article 97

Le Secrétariat comprend un Secrétaire Général et le personnel que peut exiger l'Organisation. Le Secrétaire Général est nommé par l'Assemblée Générale sur recommandation du Conseil de Sécurité. Il est le plus haut fonctionnaire de l'Organisation.

Article 98

Le Secrétaire Général agit en cette qualité à toutes les réunions de l'Assemblée Générale, du Conseil de Sécurité, du Conseil Economique et Social et du Conseil de Tutelle. Il remplit toutes autres fonctions dont il est chargé par ces organes. Il présente à l'Assemblée Générale un rapport annuel sur l'activité de l'Organisation.

Article 99

Le Secrétaire Général peut attirer l'attention du Conseil de Sécurité sur toute affaire qui, à son avis, pourrait mettre en danger le maintien de la paix et de la sécurité internationales.

Article 100

1. Dans l'accomplissement de leurs devoirs, le Secrétaire Général et le personnel ne solliciteront ni n'accepteront d'instructions d'aucun gouvernement ni d'aucune autorité extérieure à l'Organisation. Ils s'abstiendront de tout acte incompatible avec leur situation de fonctionnaires internationaux et ne sont responsables qu'envers l'Organisation.

2. Chaque Membre de l'Organisation s'engage à respecter le caractère exclusivement international des fonctions du Secrétaire Général et du personnel et à ne pas chercher à les influencer dans l'exécution de leur tâche.

Article 101

1. Le personnel est nommé par le Secrétaire Général conformément aux règles fixées par l'Assemblée Générale.

2. Un personnel spécial est affecté d'une manière permanente au Conseil Economique et Social, au Conseil de Tutelle et, s'il y a lieu, à d'autres organes de l'Organisation. Ce personnel fait partie du Secrétariat.

3. La considération dominante dans le recrutement et la fixation des conditions d'emploi du personnel doit être la nécessité d'assurer à l'Organisation les services de personnes possédant les plus hautes qualités de travail, de compétence et d'intégrité. Sera dûment prise en considération l'importance d'un recrutement effectué sur une base géographique aussi large que possible.

CHAPITRE XVI

DISPOSITIONS DIVERSES

Article 102

1. Tout traité ou accord international conclu par un membre des Nations Unies après l'entrée en vigueur de la présente Charte sera, le plus tôt possible, enregistré au Secrétariat et publié par lui.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the applications of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

2. Aucune partie à un traité ou accord international qui n'aura pas été enregistré conformément aux dispositions du paragraphe 1 du présent article ne pourra invoquer ledit traité ou accord devant un organe de l'Organisation.

Article 103

En cas de conflit entre les obligations des Membres des Nations Unies en vertu de la présente Charte et leurs obligations en vertu de tout autre accord international, les premières prévaudront.

Article 104

L'Organisation jouit, sur le territoire de chacun de ses Membres, de la capacité juridique qui lui est nécessaire pour exercer ses fonctions et atteindre ses buts.

Article 105

1. L'Organisation jouit, sur le territoire de chacun de ses Membres, des priviléges et immunités qui lui sont nécessaires pour atteindre ses buts.

2. Les représentants des Membres des Nations Unies et les fonctionnaires de l'Organisation jouissent également des priviléges et immunités qui leur sont nécessaires pour exercer en toute indépendance leurs fonctions en rapport avec l'Organisation.

3. L'Assemblée Générale peut faire des recommandations en vue de fixer les détails d'application des paragraphes 1 et 2 du présent article ou proposer aux Membres des Nations Unies des conventions à cet effet.

CHAPITRE XVII

DISPOSITIONS TRANSITOIRES DE SÉCURITÉ

Article 106

En attendant l'entrée en vigueur des accords spéciaux mentionnés à l'article 43, qui, de l'avis du Conseil de Sécurité, lui permettront de commencer à assumer les responsabilités lui incombant en application de l'article 42, les parties à la Déclaration des Quatre Nations signée à Moscou le 30 octobre 1943 et la France se concerteront entre elles et, s'il y a lieu, avec d'autres Membres de l'Organisation, conformément aux dispositions du paragraphe 5 de cette Déclaration, en vue d'entreprendre en commun, au nom des Nations Unies, toute action qui pourrait être nécessaire pour maintenir la paix et la sécurité internationales.

Article 107

Aucune disposition de la présente Charte n'affecte ou n'interdit vis-à-vis d'un Etat qui, au cours de la seconde guerre mondiale, a été l'ennemi de l'un quelconque des signataires de la présente Charte, une action entreprise ou autorisée, comme suite de cette guerre, par les gouvernements qui ont la responsabilité de cette action.

CHAPITRE XVIII

AMENDEMENTS

Article 108

Les amendements à la présente Charte entreront en vigueur pour tous les Membres des Nations Unies quand ils auront été adoptés à la majorité des deux-tiers des membres de l'Assemblée Générale et ratifiés, conformément à leurs règles constitutionnelles respectives, par les deux-tiers des Membres de l'Organisation, y compris tous les membres permanents du Conseil de Sécurité.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-third vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

[For a list of the signatories see pages 74-84 below]

Article 109

1. Une Conférence Générale des Membres des Nations Unies, aux fins d'une révision de la présente Charte, pourra être réunie aux lieu et date qui seront fixés par un vote de l'Assemblée Générale à la majorité des deux-tiers et par un vote de sept quelconques des membres du Conseil de Sécurité. Chaque Membre de l'Organisation disposera d'une voix à la conférence.

2. Toute modification à la présente Charte recommandée par la conférence à la majorité des deux-tiers prendra effet lorsqu'elle aura été ratifiée conformément à leurs règles constitutionnelles respectives, par les deux-tiers des Membres des Nations Unies, y compris tous les membres permanents du Conseil de Sécurité.

3. Si cette conférence n'a pas été réunie avant la dixième session annuelle de l'Assemblée Générale qui suivra l'entrée en vigueur de la présente Charte, une proposition en vue de la convoquer sera inscrite à l'ordre du jour de cette session, et la conférence sera réunie, s'il en est ainsi décidé par un vote de la majorité de l'Assemblée Générale et par un vote de sept quelconques des membres du Conseil de Sécurité.

CHAPITRE XIX

RATIFICATION ET SIGNATURE

Article 110

1. La présente Charte sera ratifiée par les Etats signataires conformément à leurs règles constitutionnelles respectives.

2. Les ratifications seront déposées auprès du Gouvernement des Etats-Unis d'Amérique, qui notifiera chaque dépôt à tous les Etats signataires ainsi qu'au Secrétaire Général de l'Organisation, lorsque celui-ci aura été nommé.

3. La présente Charte entrera en vigueur après le dépôt des ratifications par la République de Chine, la France, l'Union des Républiques Soviétiques Socialistes, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Etats-Unis d'Amérique et par la majorité des autres Etats signataires. Un procès-verbal de dépôt des ratifications sera ensuite dressé par le Gouvernement des Etats-Unis d'Amérique qui en communiquera copie à tous les Etats signataires.

4. Les Etats signataires de la présente Charte qui la ratifieront après son entrée en vigueur deviendront Membres originaires des Nations Unies à la date du dépôt de leurs ratifications respectives.

Article 111

La présente Charte, dont les textes chinois, français, russe, anglais et espagnol feront également foi, sera déposée dans les archives du Gouvernement des Etats-Unis d'Amérique. Des copies dûment certifiées conformes en seront remises par lui aux Gouvernements des autres Etats signataires.

EN FOI DE QUOI, les représentants des Gouvernements des Nations Unies ont signé la présente Charte.

FAIT à San Francisco, le vingt-six juin neuf cent quarante cinq.

[Pour la liste des signataires voir pages 75-85 ci-après]

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

CHAPTER I

ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups, appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

STATUT DE LA COUR INTERNATIONALE DE JUSTICE

Article 1

La Cour Internationale de Justice instituée par la Charte des Nations Unies comme organe judiciaire principal de l'Organisation sera constituée et fonctionnera conformément aux dispositions du présent Statut.

CHAPITRE I

ORGANISATION DE LA COUR

Article 2

La Cour est un corps de magistrats indépendants, élus, sans égard à leur nationalité, parmi les personnes jouissant de la plus haute considération morale, et qui réunissent les conditions requises pour l'exercice, dans leurs pays respectifs, des plus hautes fonctions judiciaires, ou qui sont des jurisconsultes possédant une compétence notoire en matière de droit international.

Article 3

1. La Cour se compose de quinze membres. Elle ne pourra comprendre plus d'un ressortissant du même Etat.

2. A cet égard celui qui pourrait être considéré comme le ressortissant de plus d'un Etat sera censé être ressortissant de celui où il exerce habituellement ses droits civils et politiques.

Article 4

1. Les membres de la Cour sont élus par l'Assemblée Générale et par le Conseil de Sécurité sur une liste de personnes présentées par les groupes nationaux de la Cour Permanente d'Arbitrage, conformément aux dispositions suivantes.

2. En ce qui concerne les Membres des Nations Unies qui ne sont pas représentés à la Cour Permanente d'Arbitrage, les candidats seront présentés par des groupes nationaux, désignés à cet effet par leurs gouvernements, dans les mêmes conditions que celles stipulées pour les membres de la Cour Permanente d'Arbitrage par l'article 44 de la Convention de La Haye de 1907 sur le règlement pacifique des conflits internationaux.

3. En l'absence d'accord spécial, l'Assemblée Générale, sur la recommandation du Conseil de Sécurité, réglera les conditions auxquelles peut participer à l'élection des membres de la Cour un Etat qui, tout en étant partie au présent Statut, n'est pas Membre des Nations Unies.

Article 5

1. Trois mois au moins avant la date de l'élection, le Secrétaire Général des Nations Unies invite par écrit les membres de la Cour Permanente d'Arbitrage appartenant aux Etats qui sont parties au présent Statut, ainsi que les membres des groupes nationaux désignés conformément au paragraphe 2 de l'article 4, à procéder dans un délai déterminé, par groupes nationaux, à la présentation de personnes en situation de remplir les fonctions de membre de la Cour.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. Chaque groupe ne peut, en aucun cas, présenter plus de quatre personnes dont deux au plus de sa nationalité. En aucun cas, il ne peut être présenté un nombre de candidats plus élevé que le double des sièges à pourvoir.

Article 6

Avant de procéder à cette désignation, il est recommandé à chaque groupe national de consulter la plus haute cour de justice, les facultés et écoles de droit, les académies nationales et les sections nationales d'académies internationales, vouées à l'étude du droit.

Article 7

1. Le Secrétaire Général dresse, par ordre alphabétique, une liste de toutes les personnes ainsi désignées; seules ces personnes sont éligibles, sauf le cas prévu à l'article 12, paragraphe 2.

2. Le Secrétaire Général communique cette liste à l'Assemblée Générale et au Conseil de Sécurité.

Article 8

L'Assemblée Générale et le Conseil de Sécurité procèdent indépendamment l'un de l'autre à l'élection des membres de la Cour.

Article 9

Dans toute élection, les électeurs auront en vue que les personnes appelées à faire partie de la Cour, non seulement réunissent individuellement les conditions requises, mais assurent dans l'ensemble la représentation des grandes formes de civilisation et des principaux systèmes juridiques du monde.

Article 10

1. Sont élus ceux qui ont réuni la majorité absolue des voix dans l'Assemblée Générale et dans le Conseil de Sécurité.

2. Le vote au Conseil de Sécurité, soit pour l'élection des juges, soit pour la nomination des membres de la commission visée à l'article 12 ci-après, ne comportera aucune distinction entre membres permanents et membres non-permanents du Conseil de Sécurité.

3. Au cas où le double scrutin de l'Assemblée Générale et du Conseil de Sécurité se porterait sur plus d'un ressortissant du même Etat, le plus âgé est seul élu.

Article 11

Si, après la première séance d'élection, il reste encore des sièges à pourvoir, il est procédé, de la même manière, à une seconde et, s'il est nécessaire, à une troisième.

Article 12

1. Si, après la troisième séance d'élection, il reste encore des sièges à pourvoir, il peut être à tout moment formé sur la demande, soit de l'Assemblée Générale, soit du Conseil de Sécurité, une Commission médiatrice de six membres, nommés trois par l'Assemblée Générale, trois par le Conseil de Sécurité, en vue de choisir par un vote à la majorité absolue, pour chaque siège non pourvu, un nom à présenter à l'adoption séparée de l'Assemblée Générale et du Conseil de Sécurité.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

2. La Commission médiatrice peut porter sur sa liste le nom de toute personne satisfaisant aux conditions requises et qui recueille l'unanimité de ses suffrages, lors même qu'il n'aurait pas figuré sur la liste de présentation visée à l'article 7.

3. Si la Commission médiatrice constate qu'elle ne peut réussir à assurer l'élection, les membres de la Cour déjà nommés pourvoient aux sièges vacants, dans un délai à fixer par le Conseil de Sécurité, en choisissant parmi les personnes qui ont obtenu des suffrages soit dans l'Assemblée Générale, soit dans le Conseil de Sécurité.

4. Si, parmi les juges, il y a partage égal des voix, la voix du juge le plus âgé l'emporte.

Article 13

1. Les membres de la Cour sont élus pour neuf ans et ils sont rééligibles; toutefois, en ce qui concerne les juges nommés à la première élection de la Cour, les fonctions de cinq juges prendront fin au bout de trois ans, et celles de cinq autres juges prendront fin au bout de six ans.

2. Les juges dont les fonctions prendront fin au terme des périodes initiales de trois et six ans mentionnées ci-dessus seront désignés par tirage au sort effectué par le Secrétaire Général, immédiatement après qu'il aura été procédé à la première élection.

3. Les membres de la Cour restent en fonction jusqu'à leur remplacement. Après ce remplacement, ils continuent de connaître des affaires dont ils sont déjà saisis.

4. En cas de démission d'un membre de la Cour, la démission sera adressée au Président de la Cour, pour être transmise au Secrétaire Général. Cette dernière notification emporte vacance de siège.

Article 14

Il est pourvu aux sièges devenus vacants selon la méthode suivie pour la première élection, sous réserve de la disposition ci-après: dans le mois qui suivra la vacance, le Secrétaire Général procèdera à l'invitation prescrite par l'article 5, et la date d'élection sera fixée par le Conseil de Sécurité.

Article 15

Le membre de la Cour élu en remplacement d'un membre dont le mandat n'est pas expiré achève le terme du mandat de son prédécesseur.

Article 16

1. Les membres de la Cour ne peuvent exercer aucune fonction politique ou administrative, ni se livrer à aucune autre occupation de caractère professionnel.

2. En cas de doute, la Cour décide.

Article 17

1. Les membres de la Cour ne peuvent exercer les fonctions d'agent, de conseil ou d'avocat dans aucune affaire.

2. Ils ne peuvent participer au règlement d'aucune affaire dans laquelle ils sont antérieurement intervenus comme agents, conseils ou avocats de l'une des parties, membres d'un tribunal national ou international, d'une commission d'enquête, ou à tout autre titre.

3. En cas de doute, la Cour décide.

Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court

Article 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Article 18

1. Les membres de la Cour ne peuvent être relevés de leurs fonctions que si, au jugement unanime des autres membres, ils ont cessé de répondre aux conditions requises.

2. Le Secrétaire Général en est officiellement informé par le Greffier.

3. Cette communication emporte vacance de siège.

Article 19

Les membres de la Cour jouissent, dans l'exercice de leurs fonctions, des priviléges et immunités diplomatiques.

Article 20

Tout membre de la Cour doit, avant d'entrer en fonction, en séance publique, prendre l'engagement solennel d'exercer ses attributions en pleine impartialité et en toute conscience.

Article 21

1. La Cour nomme, pour trois ans, son Président et son Vice-Président; ils sont rééligibles.

2. Elle nomme son Greffier et peut pourvoir à la nomination de tels autres fonctionnaires qui seraient nécessaires.

Article 22

1. Le siège de la Cour est fixé à La Haye. La Cour peut toutefois siéger et exercer ses fonctions ailleurs lorsqu'elle le juge désirable.

2. Le Président et le Greffier résident au siège de la Cour.

Article 23

1. La Cour reste toujours en fonction, excepté pendant les vacances judiciaires, dont les périodes et la durée sont fixées par la Cour.

2. Les membres de la Cour ont droit à des congés périodiques dont la date et la durée seront fixées par la Cour, en tenant compte de la distance qui sépare La Haye de leurs foyers.

3. Les membres de la Cour sont tenus, à moins de congé, d'empêchement pour cause de maladie ou autre motif grave dûment justifié auprès du Président, d'être à tout moment à la disposition de la Cour.

Article 24

1. Si, pour une raison spéciale, l'un des membres de la Cour estime devoir ne pas participer au jugement d'une affaire déterminée, il en fait part au Président.

2. Si le Président estime qu'un des membres de la Cour ne doit pas, pour une raison spéciale, siéger dans une affaire déterminée, il en avertit celui-ci.

3. Si, en pareils cas, le membre de la Cour et le Président sont en désaccord, la Cour décide.

Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

Article 25

1. Sauf exception expressément prévue par le présent Statut, la Cour exerce ses attributions en séance plénière.

2. Sous la condition que le nombre des juges disponibles pour constituer la Cour ne soit pas réduit à moins de onze, le Règlement de la Cour pourra prévoir que, selon les circonstances et à tour de rôle, un ou plusieurs juges pourront être dispensés de siéger.

3. Le quorum de neuf est suffisant pour constituer la Cour.

Article 26

1. La Cour peut, à toute époque, constituer une ou plusieurs chambres composées de trois juges au moins selon ce qu'elle décidera, pour connaître de catégories déterminées d'affaires, par exemple d'affaires de travail et d'affaires concernant le transit et les communications.

2. La Cour peut, à toute époque, constituer une chambre pour connaître d'une affaire déterminée. Le nombre des juges de cette chambre sera fixé par la Cour avec l'assentiment des parties.

3. Les chambres prévues au présent article statueront, si les parties le demandent.

Article 27

Tout arrêt rendu par l'une des chambres prévues aux articles 26 et 29 sera considéré comme rendu par la Cour.

Article 28

Les chambres prévues aux articles 26 et 29 peuvent, avec le consentement des parties, siéger et exercer leurs fonctions ailleurs qu'à La Haye.

Article 29

En vue de la prompte expédition des affaires, la Cour compose annuellement une chambre de cinq juges, appelés à statuer en procédure sommaire lorsque les parties le demandent. Deux juges seront, en outre, désignés pour remplacer celui des juges qui se trouverait dans l'impossibilité de siéger.

Article 30

1. La Cour détermine par un règlement le mode suivant lequel elle exerce ses attributions. Elle règle notamment sa procédure.

2. Le Règlement de la Cour peut prévoir des assesseurs siégeant à la Cour ou dans ses chambres, sans droit de vote.

Article 31

1. Les juges de la nationalité de chacune des parties conservent le droit de siéger dans l'affaire dont la Cour est saisie.

2. Si la Cour compte sur le siège un juge de la nationalité d'une des parties, toute autre partie peut désigner une personne de son choix pour siéger en qualité de juge. Celle-ci devra être prise de préférence parmi les personnes qui ont été l'objet d'une présentation en conformité des articles 4 et 5.

3. Si la Cour ne compte sur le siège aucun juge de la nationalité des parties, chacune de ces parties peut procéder à la désignation d'un juge de la même manière qu'au paragraphe précédent.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

CHAPTER II

COMPETENCE OF THE COURT

Article 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

4. Le présent article s'applique dans le cas des articles 26 et 29. En pareil cas, le Président priera un, ou, s'il y a lieu, deux des membres de la Cour composant la chambre, de céder leur place aux membres de la Cour de la nationalité des parties intéressées et, à défaut ou en cas d'empêchement, aux juges spécialement désignés par les parties.

5. Lorsque plusieurs parties font cause commune, elles ne comptent, pour l'application des dispositions qui précèdent, que pour une seule. En cas de doute, la Cour décide.

6. Les juges désignés, comme il est dit aux paragraphes 2, 3 et 4 du présent article, doivent satisfaire aux prescriptions des articles 2, 17, paragraphe 2, 20 et 24 du présent Statut. Ils participent à la décision dans des conditions de complète égalité avec leurs collègues.

Article 32

1. Les membres de la Cour reçoivent un traitement annuel.

2. Le Président reçoit une allocation annuelle spéciale.

3. Le Vice-Président reçoit une allocation spéciale pour chaque jour où il remplit les fonctions de Président.

4. Les juges désignés par application de l'article 31, autres que les membres de la Cour, reçoivent une indemnité pour chaque jour où ils exercent leurs fonctions.

5. Ces traitements, allocations et indemnités sont fixés par l'Assemblée Générale. Ils ne peuvent être diminués pendant la durée des fonctions.

6. Le traitement du Greffier est fixé par l'Assemblée Générale sur la proposition de la Cour.

7. Un règlement adopté par l'Assemblée Générale fixe les conditions dans lesquelles des pensions sont allouées aux membres de la Cour et au Greffier, ainsi que les conditions dans lesquelles les membres de la Cour et le Greffier reçoivent le remboursement de leurs frais de voyage.

8. Les traitements, allocations et indemnités sont exempts de tout impôt.

Article 33

Les frais de la Cour sont supportés par les Nations Unies de la manière que l'Assemblée Générale décide.

CHAPITRE II

COMPÉTENCE DE LA COUR

Article 34

1. Seuls les Etats ont qualité pour se présenter devant la Cour.

2. La Cour, dans les conditions prescrites par son Règlement, pourra demander aux organisations internationales publiques des renseignements relatifs aux affaires portées devant elle, et recevra également lesdits renseignements qui lui seraient présentés par ces organisations de leur propre initiative.

3. Lorsque l'interprétation de l'acte constitutif d'une organisation internationale publique ou celle d'une convention internationale adoptée en vertu de cet acte est mise en question dans une affaire soumise à la Cour, le Greffier en avise cette organisation et lui communique toute la procédure écrite.

Article 35

1. The Court shall be open to the state parties to the present Statute.
2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council; but in no case shall such conditions place the parties in a position of inequality before the Court.
3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
 - a. the interpretation of a treaty;
 - b. any question of international law;
 - c. the existence of any fact which, if established, would constitute a breach of an international obligation;
 - d. the nature or extent of the reparation to be made for the breach of an international obligation.
3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.
4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.
5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.
6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
 - a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

Article 35

1. La Cour est ouverte aux Etats parties au présent Statut.
2. Les conditions auxquelles elle est ouverte aux autres Etats sont, sous réserve des dispositions particulières des traités en vigueur, réglées par le Conseil de Sécurité, et, dans tous les cas, sans qu'il puisse en résulter pour les parties aucune inégalité devant la Cour.
3. Lorsqu'un Etat, qui n'est pas Membre des Nations Unies, est partie en cause, la Cour fixera la contribution aux frais de la Cour que cette partie devra supporter. Toutefois, cette disposition ne s'appliquera pas, si cet Etat participe aux dépenses de la Cour.

Article 36

1. La compétence de la Cour s'étend à toutes les affaires que les parties lui soumettront, ainsi qu'à tous les cas spécialement prévus dans la Charte des Nations Unies ou dans les traités et conventions en vigueur.
2. Les Etats parties au présent Statut, pourront, à n'importe quel moment, déclarer reconnaître comme obligatoire de plein droit et sans convention spéciale, à l'égard de tout autre Etat acceptant la même obligation, la juridiction de la Cour sur tous les différends d'ordre juridique ayant pour objet:
 - a. l'interprétation d'un traité;
 - b. tout point de droit international;
 - c. la réalité de tout fait qui, s'il était établi, constituerait la violation d'un engagement international;
 - d. la nature ou l'étendue de la réparation due pour la rupture d'un engagement international.
3. Les déclarations ci-dessus visées pourront être faites purement et simplement ou sous condition de réciprocité de la part de plusieurs ou de certains Etats, ou pour un délai déterminé.
4. Ces déclarations seront remises au Secrétaire Général des Nations Unies qui en transmettra copie aux parties au présent Statut ainsi qu'au Greffier de la Cour.
5. Les déclarations faites en application de l'article 36 du Statut de la Cour Permanente de Justice Internationale pour une durée qui n'est pas encore expirée seront considérées, dans les rapports entre parties au présent Statut, comme comportant acceptation de la juridiction obligatoire de la Cour Internationale de Justice pour la durée restant à courir d'après ces déclarations et conformément à leurs termes.
6. En cas de contestation sur le point de savoir si la Cour est compétente, la Cour décide.

Article 37

Lorsqu'un traité ou une convention en vigueur prévoit le renvoi à une juridiction que devait instituer la Société des Nations ou à la Cour Permanente de Justice Internationale, la Cour Internationale de Justice constituera cette juridiction entre les parties au présent Statut.

Article 38

1. La Cour, dont la mission est de régler conformément au droit international les différends qui lui sont soumis, applique:
 - a. les conventions internationales, soit générales, soit spéciales, établissant des règles expressément reconnues par les Etats en litige;

- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III

PROCEDURE

Article 39

- 1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.
- 2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.
- 3. The Court shall, at the request of any party, authorize language other than French or English to be used by that party.

Article 40

- 1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.
- 2. The Registrar shall forthwith communicate the application to all concerned.
- 3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41

- 1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.
- 2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Article 42

- 1. The parties shall be represented by agents.
- 2. They may have the assistance of counsel or advocates before the Court.
- 3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

- b. la coutume internationale comme preuve d'une pratique générale acceptée comme étant le droit;
- c. les principes généraux de droit reconnus par les nations civilisées;
- d. sous réserve de la disposition de l'article 59, des décisions judiciaires et la doctrine des publicistes les plus qualifiés des différentes nations, comme moyen auxiliaire de détermination des règles de droit.

2. La présente disposition ne porte pas atteinte à la faculté pour la Cour, si les parties sont d'accord, de statuer *ex aequo et bono*.

CHAPITRE III

PROCÉDURE

Article 39

1. Les langues officielles de la Cour sont le français et l'anglais. Si les parties sont d'accord pour que toute la procédure ait lieu en français, le jugement sera prononcé en cette langue. Si les parties sont d'accord pour que toute la procédure ait lieu en anglais, le jugement sera prononcé en cette langue.

2. A défaut d'un accord fixant la langue dont il sera fait usage, les parties pourront employer pour les plaidoiries celle des deux langues qu'elles préféreront, et l'arrêt de la Cour sera rendu en français et en anglais. En ce cas, la Cour désignera en même temps celui des deux textes qui fera foi.

3. La Cour, à la demande de toute partie, autorisera l'emploi par cette partie d'une langue autre que le français ou l'anglais.

Article 40

1. Les affaires sont portées devant la Cour, selon le cas, soit par notification du compromis, soit par une requête, adressées au Greffier; dans les deux cas, l'objet du différend et les parties doivent être indiqués.

2. Le Greffier donne immédiatement communication de la requête à tous intéressés.

3. Il en informe également les Membres des Nations Unies par l'entremise du Secrétaire Général, ainsi que les autres Etats admis à ester en justice devant la Cour.

Article 41

1. La Cour a le pouvoir d'indiquer, si elle estime que les circonstances l'exigent, quelles mesures conservatoires du droit de chacun doivent être prises à titre provisoire.

2. En attendant l'arrêt définitif, l'indication de ces mesures est immédiatement notifiée aux parties et au Conseil de Sécurité.

Article 42

- 1. Les parties sont représentées par des agents.
- 2. Elles peuvent se faire assister devant la Cour par des conseils ou des avocats.
- 3. Les agents, conseils et avocats des parties devant la Cour jouiront des priviléges et immunités nécessaires à l'exercice indépendant de leurs fonctions.

Article 43

1. The procedure shall consist of two parts: written and oral.
2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.
3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.
4. A certified copy of every document produced by one party shall be communicated to the other party.
5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Article 43

1. La procédure a deux phases: l'une écrite, l'autre orale.
2. La procédure écrite comprend la communication à juge et à partie des mémoires, des contre-mémoires, et, éventuellement, des répliques, ainsi que de toute pièce et document à l'appui.
3. La communication se fait par l'entremise du Greffier dans l'ordre et les délais déterminés par la Cour.
4. Toute pièce produite par l'une des parties doit être communiquée à l'autre en copie certifiée conforme.
5. La procédure orale consiste dans l'audition par la Cour des témoins, experts, agents, conseils et avocats.

Article 44

1. Pour toute notification à faire à d'autres personnes que les agents, conseils et avocats, la Cour s'adresse directement au gouvernement de l'Etat sur le territoire duquel la notification doit produire effet.

2. Il en est de même s'il s'agit de faire procéder sur place à l'établissement de tous moyens de preuve.

Article 45

Les débats sont dirigés par le Président et, à défaut de celui-ci, par le Vice-Président; en cas d'empêchement, par le plus ancien des juges présents.

Article 46

L'audience est publique, à moins qu'il n'en soit autrement décidé par la Cour ou que les deux parties ne demandent que le public ne soit pas admis.

Article 47

1. Il est tenu de chaque audience un procès-verbal signé par le Greffier et le Président.

2. Ce procès-verbal a seul caractère authentique.

Article 48

La Cour rend des ordonnances pour la direction du procès, la détermination des formes et délais dans lesquels chaque partie doit finalement conclure; elle prend toutes les mesures que comporte l'administration des preuves.

Article 49

La Cour peut, même avant tout débat, demander aux agents de produire tout document et de fournir toutes explications. En cas de refus, elle en prend acte.

Article 50

A tout moment, la Cour peut confier une enquête ou une expertise à toute personne, corps, bureau, commission ou organe de son choix.

Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Article 52

After the Court has received the proofs of evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

Article 55

1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

1. The judgment shall state the reasons on which it is based.

2. It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 51

Au cours des débats, toutes questions utiles sont posées aux témoins et experts dans les conditions que fixera la Cour dans le règlement visé à l'article 30.

Article 52

Après avoir reçu les preuves et témoignages dans les délais déterminés par elle, la Cour peut écarter toutes dépositions ou documents nouveaux qu'une des parties voudrait lui présenter sans l'assentiment de l'autre.

Article 53

1. Lorsqu'une des parties ne se présente pas, ou s'abstient de faire valoir ses moyens, l'autre partie peut demander à la Cour de lui adjuger ses conclusions.

2. La Cour, avant d'y faire droit, doit s'assurer non seulement qu'elle a compétence aux termes des articles 36 et 37, mais que les conclusions sont fondées en fait et en droit.

Article 54

1. Quand les agents, conseils et avocats ont fait valoir, sous le contrôle de la Cour, tous les moyens qu'ils jugent utiles, le Président prononce la clôture des débats.

2. La Cour se retire en Chambre du Conseil pour délibérer.

3. Les délibérations de la Cour sont et restent secrètes.

Article 55

1. Les décisions de la Cour sont prises à la majorité des juges présents.

2. En cas de partage des voix, la voix du Président ou de celui qui le remplace est prépondérante.

Article 56

1. L'arrêt est motivé.

2. Il mentionne les noms des juges qui y ont pris part.

Article 57

Si l'arrêt n'exprime pas en tout ou en partie l'opinion unanime des juges, tout juge aura le droit d'y joindre l'exposé de son opinion individuelle.

Article 58

L'arrêt est signé par le Président et par le Greffier. Il est lu en séance publique, les agents dûment prévenus.

Article 59

La décision de la Cour n'est obligatoire que pour les parties en litige et dans le cas qui a été décidé.

Article 60

L'arrêt est définitif et sans recours. En cas de contestation sur le sens et la portée de l'arrêt, il appartient à la Cour de l'interpréter, à la demande de toute partie.

Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV

ADVISORY OPINIONS

Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 61

1. La revision de l'arrêt ne peut être éventuellement demandée à la Cour qu'en raison de la découverte d'un fait de nature à exercer une influence décisive et qui, avant le prononcé de l'arrêt, était inconnu de la Cour et de la partie qui demande la revision, sans qu'il y ait, de sa part, faute à l'ignorer.

2. La procédure de revision s'ouvre par un arrêt de la Cour constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères qui donnent ouverture à la revision, et déclarant de ce chef la demande recevable.

3. La Cour peut subordonner l'ouverture de la procédure en revision à l'exécution préalable de l'arrêt.

4. La demande en revision devra être formée au plus tard dans le délai de six mois après la découverte du fait nouveau.

5. Aucune demande de revision ne pourra être formée après l'expiration d'un délai de dix ans à dater de l'arrêt.

Article 62

1. Lorsqu'un Etat estime que, dans un différend, un intérêt d'ordre juridique est pour lui en cause, il peut adresser à la Cour une requête, à fin d'intervention.

2. La Cour décide.

Article 63

1. Lorsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Etats que les parties en litige, le Greffier les avertit sans délai.

2. Chacun d'eux a le droit d'intervenir au procès, et s'il exerce cette faculté, l'interprétation contenue dans la sentence est également obligatoire à son égard.

Article 64

S'il n'en est autrement décidé par la Cour, chaque partie supporte ses frais de procédure.

CHAPITRE IV**AVIS CONSULTATIFS***Article 65*

1. La Cour peut donner un avis consultatif sur toute question juridique, à la demande de tout organe ou institution qui aura été autorisé par le Charte des Nations Unies ou conformément à ses dispositions, à demander cet avis.

2. Les questions sur lesquelles l'avis consultatif de la Cour est demandé sont exposées à la Cour par une requête écrite qui formule, en termes précis, la question sur laquelle l'avis de la Cour est demandé. Il y est joint tout document pouvant servir à élucider la question.

Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state be entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

CHAPTER V**AMENDMENT***Article 69*

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

Article 66

1. Le Greffier notifie immédiatement la requête demandant l'avis consultatif à tous les Etats admis à ester en justice devant la Cour.

2. En outre, à tout Etat admis à ester devant la Cour et à toute organisation internationale jugés, par la Cour ou par le Président si elle ne siège pas, susceptibles de fournir des renseignements sur la question, le Greffier fait connaître, par communication spéciale et directe, que la Cour est disposée à recevoir des exposés écrits dans un délai à fixer par le Président, ou à entendre des exposés oraux au cours d'une audience publique tenue à cet effet.

3. Si un de ces Etats, n'ayant pas été l'objet de la communication spéciale visée au paragraphe 2 du présent article, exprime le désir de soumettre un exposé écrit ou d'être entendu, la Cour statue.

4. Les Etats ou organismes qui ont présenté des exposés écrits ou oraux sont admis à discuter les exposés faits par d'autres Etats et organisations dans les formes, mesures et délais fixés, dans chaque cas d'espèce, par la Cour ou, si elle ne siège pas, par le Président. A cet effet, le Greffier communique, en temps voulu, les exposés écrits aux Etats ou organisations qui en ont eux-mêmes présenté.

Article 67

La Cour prononcera ses avis consultatifs en audience publique, le Secrétaire Général et les représentants des Membres des Nations Unies des autres Etats et des organisations internationales directement intéressés étant prévenus.

Article 68

Dans l'exercice de ses attributions consultatives, la Cour s'inspirera en outre des dispositions du présent Statut qui s'appliquent en matière contentieuse, dans la mesure où elle les reconnaîtra applicables.

CHAPITRE V**AMENDEMENTS***Article 69*

Les amendements au présent Statut seront effectués par la même procédure que celle prévue pour les amendements à la Charte des Nations Unies, sous réserve des dispositions qu'adopterait l'Assemblée Générale, sur la recommandation du Conseil de Sécurité, pour régler la participation à cette procédure des Etats qui, tout en ayant accepté le présent Statut de la Cour, ne sont pas Membres des Nations Unies.

Article 70

La Cour pourra proposer les amendements qu'elle jugera nécessaire d'apporter au présent Statut, par la voie de communications écrites adressées au Secrétaire Général, aux fins d'examen conformément aux dispositions de l'article 69.

**INTERIM ARRANGEMENTS CONCLUDED BY THE GOVERNMENTS
REPRESENTED AT THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION**

The Governments represented at the United Nations Conference on International Organization in the city of San Francisco,

Having determined that an international organization to be known as the United Nations shall be established,

Having this day signed the Charter of the United Nations, and

Having decided that, pending the coming into force of the Charter and the establishment of the United Nations as provided in the Charter, a Preparatory Commission of the United Nations should be established for the performance of certain functions and duties,

AGREE as follows:

1. There is hereby established a Preparatory Commission of the United Nations for the purpose of making provisional arrangements for the first sessions of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council, for the establishment of the Secretariat, and for the convening of the International Court of Justice.

2. The Commission shall consist of one representative from each government signatory to the Charter. The Commission shall establish its own rules of procedure. The functions and powers of the Commission, when the Commission is not in session, shall be exercised by an Executive Committee composed of the representative of those governments now represented on the Executive Committee of the Conference. The Executive Committee shall appoint such committees as may be necessary to facilitate its work, and shall make use of persons of special knowledge and experience.

3. The Commission shall be assisted by an Executive Secretary, who shall exercise such powers and perform such duties as the Commission may determine, and by such staff as may be required. This staff shall be composed so far as possible of officials appointed for this purpose by the participating governments on the invitation of the Executive Secretary.

4. The Commission shall:

- a. convoke the General Assembly in its first session;
- b. prepare the provisional agenda for the first sessions of the principal organs of the Organization, and prepare documents and recommendations relating to all matters on these agenda;
- c. formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the new Organization to take over on terms to be arranged;
- d. examine the problems involved in the establishment of the relationship between specialized intergovernmental organizations and agencies and the Organization;
- e. issue invitations for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court;

ARRANGEMENTS PROVISOIRES CONCLUS PAR LES GOUVERNEMENTS REPRÉSENTÉS À LA CONFÉRENCE DES NATIONS UNIES POUR L'ORGANISATION INTERNATIONALE

LES GOUVERNEMENTS représentés à la Conférence des Nations Unies pour l'Organisation Internationale, tenue dans la ville de San Francisco,

Ayant décidé qu'une organisation internationale désignée sous le nom de Nations Unies sera instituée,

Ayant signé ce jour la Charte des Nations Unies,

Ayant décidé qu'en attendant l'entrée en vigueur de la Charte et l'institution des Nations Unies conformément à la Charte, une Commission Préparatoire des Nations Unies sera établie en vue d'exercer certaines fonctions et de remplir certaines obligations,

CONVIENNENT de ce qui suit:

1. Il est créé par les présentes une Commission Préparatoire des Nations Unies, qui sera chargée de prendre des mesures provisoires pour les premières sessions de l'Assemblée Générale, du Conseil de Sécurité, du Conseil Economique et Social et du Conseil de Tutelle, ainsi que pour la mise sur pied du Secrétariat et la convocation de la Cour Internationale de Justice.

2. La Commission comprendra un représentant de chacun des gouvernements signataires de la Charte. Elle fixera son propre règlement. Les fonctions et pouvoirs de la Commission seront exercés, en dehors des sessions, par un Comité Exécutif composé des représentants des gouvernements représentés à l'heure actuelle au Comité Exécutif de la Conférence. Le Comité Exécutif créera les comités qui pourront être nécessaires pour l'aider dans ses travaux, et fera appel au concours de personnes ayant des connaissances et une expérience spéciales.

3. La Commission sera assistée d'un Secrétaire Administratif, qui exercera les pouvoirs et accomplira les fonctions que déterminera la Commission, et du personnel nécessaire. Ce personnel sera composé, dans la mesure du possible, de fonctionnaires nommés à cette fin par les gouvernements participants, sur la demande du Secrétaire Administratif.

4. La Commission:

- a. convoquera la première session de l'Assemblée Générale;
- b. préparera les ordres du jour provisoires des premières sessions des principaux organes de l'Organisation ainsi que les documents et les recommandations se rapportant à toutes les questions figurant à ces ordres du jour;
- c. formulera des recommandations sur le transfert éventuel de fonctions, activités et avoirs de la Société des Nations qu'il pourra sembler utile de confier à la nouvelle Organisation dans des conditions à fixer;
- d. examinera les problèmes soulevés par l'établissement des relations entre les institutions spécialisées intergouvernementales et l'Organisation;
- e. enverra des invitations en vue de la désignation de candidats à la Cour Internationale de Justice, conformément aux dispositions du Statut de la Cour;

- f. prepare recommendations concerning arrangements for the Secretariat of the Organization; and
- g. make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization.

5. The expenses incurred by the Commission and the expenses incidental to the convening of the first meeting of the General Assembly shall be met by the Government of the United Kingdom of Great Britain and Northern Ireland or, if the Commission so requests, shared by other governments. All such advances from governments shall be deductible from their first contributions to the Organization.

6. The seat of the Commission shall be located in London. The Commission shall hold its first meeting in San Francisco immediately after the conclusion of the United Nations Conference on International Organization. The Executive Committee shall call the Commission into session again as soon as possible after the Charter of the Organization comes into effect and whenever subsequently it considers such a session desirable.

7. The Commission shall cease to exist upon the election of the Secretary-General of the Organization, at which time its property and records shall be transferred to the Organization.

8. The Government of the United States of America shall be the temporary depositary and shall have custody of the original document embodying these interim arrangements in the five languages in which it is signed. Duly certified copies thereof shall be transmitted to the governments of the signatory states. The Government of the United States of America shall transfer the original to the Executive Secretary on his appointment.

9. This document shall be effective as from this date, and shall remain open for signature by the states entitled to be the original Members of the United Nations until the Commission is dissolved in accordance with paragraph 7.

IN FAITH WHEREOF, the undersigned representatives having been duly authorized for that purpose, sign this document in the English, French, Chinese, Russian, and Spanish languages, all texts being of equal authenticity.

DONE at the city of San Francisco this twenty-sixth day of June, one thousand nine hundred and forty-five.

For China:

VI-KYUIN WELLINGTON KOO
WANG CHUNG-HUI
WEI TAO-MING
WU YI-FANG
LI HWANG
CHUN-MAI CARSON CHANG
TUNG PI-WU
HU LIN

- f. préparera des recommandations concernant la constitution du Secrétariat de l'Organisation;
- g. procédera aux études nécessaires relatives au siège permanent de l'Organisation et fera des recommandations à ce sujet.

5. Les dépenses effectuées par la Commission et les dépenses qu'entraînera la réunion de la première session de l'Assemblée Générale seront assumées par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord ou, si la Commission le demande, réparties entre d'autres gouvernements. Toutes les avances faites à ce titre par les gouvernements seront déduites de leur première contribution à l'Organisation.

6. Le siège de la Commission sera établi à Londres. La Commission tiendra sa première séance à San Francisco, aussitôt après la clôture de la Conférence des Nations Unies pour l'Organisation Internationale. Le Comité Exécutif convoquera une autre réunion de la Commission aussitôt que possible après l'entrée en vigueur de la Charte de l'Organisation et, par la suite, toutes les fois qu'il le jugera utile.

7. La Commission cessera d'exister lors de l'élection du Secrétaire Général de l'Organisation; ses biens et ses archives seront alors transférés à l'Organisation.

8. Le Gouvernement des Etats-Unis d'Amérique sera le dépositaire temporaire et aura la garde du document original où seront consignés ces arrangements transitoires, rédigés dans les cinq langues dans lesquelles il aura été signé. Des copies certifiées conformes seront transmises à chacun des gouvernements des Etats signataires de la Charte. Le Gouvernement des Etats-Unis d'Amérique remettra l'original de ce document au Secrétaire Administratif, lors de sa nomination.

9. Ce document prendra effet à dater de ce jour et restera ouvert aux signatures des Etats ayant le droit d'être Membres originaires des Nations Unies, jusqu'à la dissolution de la Commission, conformément au paragraphe 7.

EN FOI DE QUOI, les représentants soussignés, dûment autorisés à cet effet, ont signé ce document dans les langues anglaise, française, chinoise, russe et espagnole, chacun de ces textes faisant également foi.

FAIT à San Francisco, le vingt-six juin mil neuf cent quarante-cinq.

Pour la Chine:

VI-KYUIN WELLINGTON KOO
 WANG CHUNG-HUI
 WEI TAO-MING
 WU YI-FANG
 LI HWANG
 CHUN-MAI CARSON CHANG
 TUNG PI-WU
 HU LIN

For the Union of Soviet Socialist Republics:

A. GROMYKO
 A. LAVRENTIEV
 K. NOVIKOV
 S. TSARAPKIN
 S. GOLUNSKY
 S. KRYLOV
 RODIONOV

For the United Kingdom of Great Britain and Northern Ireland:

HALIFAX
 CRANBORNE

For the United States of America:

E. R. STETTINIUS, Jr.
 CORDELL HULL
 TOM CONNALLY
 A. H. VANDENBERG
 SOL. BLOOM
 CHARLES A. EATON
 HAROLD E. STASSEN
 VIRGINIA C. GILDERSLEEVE

For France:

J. PAUL-BONCOUR

For Argentina:

M. CÁRCANO
 O. IBARRA G.
 JUAN CARLOS BASSI
 A. D. BRUNET

For Australia:

F. M. FORDE
 H. V. EVATT

For the Kingdom of Belgium:

A. E. De SCHRYVER

For Bolivia:

V. ANDRADE
 C. SALAMANCA F.
 E. ARZE Q.

For Brazil:

P. LEÃO VELLOSO
 C. DE FREITAS VALLE
 GEN. ESTEVAO LEITAO DE CARVALHO
 A. CAMILLO DE OLIVEIRA
 Dr. BERTHA LUTZ

Pour l'Union des Républiques Soviétiques Socialistes:

A. GROMYKO
 A. LAVRENTIEV
 K. NOVIKOV
 S. TSARAPKIN
 S. GOLUNSKY
 S. KRYLOV
 RODIONOV

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:

HALIFAX
 CRANBORNE

Pour les Etats-Unis d'Amérique:

E. R. STETTINIUS, Jr.
 CORDELL HULL
 TOM CONNALLY
 A. H. VANDENBERG
 SOL. BLOOM
 CHARLES A. EATON
 HAROLD E. STASSEN
 VIRGINIA C. GILDERSLEEVE

Pour la France:

J. PAUL-BONCOUR

Pour l'Argentine:

M. CARCANO
 O. IBARRA G.
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Pour la Bolivie:

V. ANDRADE
 C. SALAMANCA F.
 E. ARZE Q.

Pour le Brésil:

P. LEÃO VELLOSO
 C. DE FREITAS VALLE
 GEN. ESTEVAO LEITAO DE CARVALHO
 A. CAMILLO DE OLIVEIRA
 DR. BERTHA LUTZ

For the Byelo-Russian Soviet Socialist Republic:

K. KISELEV
A. ZHEBRAK
V. PERTSEV
G. BAIDAKOV
F. SHMYGAV

For Canada:

W. L. MACKENZIE KING
LOUIS S. ST. LAURENT

For Chile:

JOAQUÍN FERNÁNDEZ F.
MARCIAL MORA M.
JOSÉ MAZA
GABRIEL GONZÁLEZ
CONTRERAS LABARCA
F. NIETO DEL RÍO
E. ALCALDE C.
GERMÁN VERGARA
JULIO ESCUDERO

For Colombia:

ALBERTO LLERAS
AL GONZÁLEZ FERNÁNDEZ
EDUARDO ZULETA ANGEL
SILVIO VILLEGAS
JESÚS M. YEPES

For Costa Rica:

JULIO ACOSTA
J. RAFAEL OREAMUNO

For Cuba:

GMO BELT
ERNESTO DIHIGO

For Czechoslovakia:

JAN MASARYK

For Denmark:

HENRIK KAUFFMANN
HARTVIG FRISCH
E. HUSFELDT

For the Dominican Republic:

M. PEÑA BATILLE
EMILIO G. GODOY
GILBERTO SANCHEZ LUSTRINO
T. FRANCO F.
MINERVA BERNARDINO

Pour la République Soviétique Socialiste de Belorussie:

K. KISELEV
A. ZHEBRAK
V. PERTSEV
G. BAIDAKOV
F. SHMYGAV

Pour le Canada:

W. L. MACKENZIE KING
LOUIS S. ST-LAURENT

Pour le Chili:

JOAQUÍN FERNÁNDEZ F.
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JOSÉ MAZA
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Pour Costa-Rica:

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Pour la Tchécoslovaquie:

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Pour le Danemark:

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For Ecuador:

C. PONCE ENRÍQUEZ
GALO PLAZA
C. TOBAR ZALDUMBIDE

For Egypt:

A. BADAWI
IB. HADI

For El Salvador:

HÉCTOR DAVID CASTRO
CARLOS LEIVA, M.D.

For Ethiopia:

AKLILU H.
AMBAYE W.
EPHREM T. MEDHEN

For Greece:

J. A. SOFIANOPoulos

For Guatemala:

GUILLERMO TORIELLO
M. NORIEGA M.
E. SILVA PENA

For Haiti:

GERARD LESCOT
A. LIAUTAUD

For Honduras:

JULIÁN R. CÁCERES
MARCOS CARIAS REYES
VIRGILIO R. GALVEZ

For India:

A. RAMASWAMI MUDALIAR
V. T. KRISHNAMACHARI

For Iran:

MOSTAFA ADLE

For Iraq:

MOHD. FADHEL JAMALI

For Lebanon:

W. NAIM
A. YAFI
SALEM
CHARLES MALIK

Pour l'Equateur:

C. PONCE ENRIQUEZ
GALO PLAZA
C. TOBAR ZALDUMBIDE

Pour l'Egypte:

A. BADAWI
IB. HADI

Pour le Salvador:

HECTOR DAVID CASTRO
CARLOS LEIVA, M.D.

Pour l'Ethiopie:

AKLILU H.
AMBAYE W.
EPHREM T. MEDHEN

Pour la Grèce:

J. A. SOFIANOPoulos

Pour le Guatémala:

GUILLERMO TORIELLO
M. NORIEGA M.
E. SILVA PENA

Pour Haïti:

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A. LIAUTAUD

Pour le Honduras:

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V. T. KRISHNAMACHARI

Pour L'Iran:

MOSTAFA ADLE

Pour L'Irak:

MOHD. FADHEL JAMALI

Pour le Liban:

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A. YAFI
SALEM
CHARLES MALIK

For Liberia:

C. L. SIMPSON
GABRIEL L. DENNIS
J. LEMUEL GIBSON
RICHARD HENRIES
M. N. GRANT

For the Grand Duchy of Luxembourg:

HUGHES LE GALLAIS

For Mexico:

E. PADILLA
F. CASTILLO NAJERA
MANUEL TELLO

For the Kingdom of the Netherlands:

A. LOUDON

For New Zealand:

PETER FRASER
C. A. BERENDSEN

For Nicaragua:

MARIANO ARGÜELLO
LUIS MANUEL DE BAYLE

For the Kingdom of Norway:

WILHELM MUNTHE MORGENSTIERNE

For Panama:

ROBERTO JIMÉNEZ

For Paraguay:

CELSO R. VELÁZQUEZ
J. B. AYALA

For Peru:

MANUEL C. GALLAGHER
V. A. BELAUNDE
LUIS FERNÁN CISNEROS

For the Philippine Commonwealth:

CARLOS P. ROMULO
FRANCISCO A. DELGADO

For Poland:

For Saudi Arabia:

FAISAL

Pour le Liberia:

C. L. SIMPSON
GABRIEL L. DENNIS
J. LEMUEL GIBSON
RICHARD HENRIES
M. N. GRANT

Pour le Grand Duché de Luxembourg:

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Pour le Royaume de Norvège:

WILHELM MUNTHE MORGENSTIERNE

Pour le Panama:

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J. B. AYALA

Pour le Pérou:

MANUEL C. GALLAGHER
V. A. BELAUNDE
LUIS FERNÁN CISNEROS

Pour le Commonwealth des Philippines:

CARLOS P. ROMULO
FRANCISCO A. DELGADO

Pour la Pologne:

Pour l'Arabie Saoudite:

FAISAL

For Syria:

F. AL-KHOURI
N. ANTAKI
N. KOUDSI

For Turkey:

HASAN SAKA
HUSEYIN RAGIP BAYDUR
FERIDUN CEMAL ERKIN

For the Ukrainian Soviet Socialist Republic:

DM. MANUILSKY
IVAN SENIN
ALEXANDER PALLADIN
MIKOŁA PETROVSKY

For the Union of South Africa:

J. C. SMUTS F.M.

For Uruguay:

JOSÉ SERRATO
JACOBO VARELA
HÉCTOR LUISI
CY. GIAMBRUNO
JUAN F. GUICHÓN
HÉCTOR PAYSSÉ REYES

For Venezuela:

C. PARRA PÉREZ
GUSTAVO HERRERA
A. MACHADO HNDZ
R. ERNESTO LÓPEZ

For Yugoslavia:

STANOJE SIMIĆ

Pour la Syrie:

F. AL-KHOURI
N. ANTAKI
N. KOUDSI

Pour la Turquie:

HASAN SAKA
HUSEYIN RAGIP BAYDUR
FERIDUN CEMAL ERKIN

Pour la République Soviétique Socialiste d'Ukraine:

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MIKOLA PETROVSKY

Pour l'Union Sud-Africaine:

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A. MACHADO HNDZ
R. ERNESTO LÓPEZ

Pour la Yougoslavie:

STANOJE SIMIĆ

CANADA.

TREATY SERIES, 1945

No. 8

EXCHANGE OF NOTES

(July 19 and 24, 1945)

BETWEEN

CANADA AND CZECHOSLOVAKIA

REVIVING

THE TRADE CONVENTION
OF THE 15th MARCH, 1928

Effective July 24, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

CANADA

TREATY SERIES, 1945
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OTTAWA
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KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

SUMMARY

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**EXCHANGE OF NOTES (JULY 19 AND 24, 1945) BETWEEN CANADA
AND CZECHOSLOVAKIA REVIVING THE TRADE CONVENTION
OF THE 15TH MARCH, 1928**

I

*The Czechoslovak Minister to Canada to the Secretary of State for
External Affairs*

LEGATION OF THE CZECHOSLOVAK REPUBLIC

OTTAWA, July 19th, 1945.

No. 1306/45.

SIR,

I have the honour to inform you that I have been directed by my Government to request the Government of Canada to terminate the suspension period of the Canadian-Czechoslovak Trade Agreement concluded in Ottawa between our two Governments on March 15, 1928* and again place this Agreement on the record of existing and valid Treaties.

As, however, under present dislocated shipping and inland transportation conditions the strict application of the Agreement would largely prevent Czechoslovakia from obtaining the benefits contemplated, I should be very grateful if Article Five of this Agreement could be temporarily suspended.

Article Five reads:

"To enjoy the benefit of the tariff advantages provided for in the foregoing articles, without prejudice to the stipulations of Article 4, goods the produce or manufacture of Czechoslovakia shall be conveyed without transhipment from a port of Czechoslovakia, such being understood to be a port of a foreign country in which Czechoslovakia has defined rights under treaties to which Canada is a party, or from a port of a country enjoying the benefit of the Preferential or Intermediate Tariff, into a sea or river port of Canada."

Should the present difficulties make some other temporary modifications necessary, I shall greatly appreciate if you would kindly allow me to bring them to your kind attention.

Accept, Sir, the renewed assurances of my highest consideration.

DR. FRANTISEK PAVLASEK,

Minister of the Czechoslovak Republic.

* For the Trade Agreement of March 15th, 1928, see *Canada Treaty Series 1928*, No. 6.

II

*The Secretary of State for External Affairs of Canada
to the Czechoslovak Minister*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, July 24th, 1945.

No. 10

EXCELLENCY,

I have the honour to refer to your note No. 1306/45 dated July 19, 1945 concerning the revival of the Canadian-Czechoslovak Trade Agreement concluded in Ottawa between our two Governments on March 15th, 1928. The Government of Canada agrees to terminate the suspension period of this Agreement and to place it again on the record of existing and valid treaties.

2. As, however, under present dislocated shipping and inland transportation conditions the strict application of the Agreement would largely prevent Czechoslovakia from obtaining the benefit contemplated, the Canadian Government agrees to the temporary suspension of Article 5.

3. Article 5 reads:

“To enjoy the benefit of the tariff advantages provided for in the foregoing articles, without prejudice to the stipulations of Article 4, goods the produce or manufacture of Czechoslovakia shall be conveyed without transhipment from a port of Czechoslovakia, such being understood to be a port of a foreign country in which Czechoslovakia has defined rights under treaties to which Canada is a party, or from a port of a country enjoying the benefit of the Preferential or Intermediate Tariff, into a sea or river port of Canada.”

4. The Canadian Government appreciates that because of present difficulties your Government may wish to have other temporary modifications considered.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,

For the Secretary of State for External Affairs.

CANADA

TREATY SERIES, 1945

No. 9

AGREEMENT
BETWEEN
CANADA
AND
THE UNITED KINGDOM

WITH RESPECT TO THE
LOAN TO THE UNITED KINGDOM
OF VESSELS OWNED BY CANADA

Signed at Ottawa, August 17, 1945

Deemed to have come into Force, December 3, 1943



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948



CANADA

TREATY SERIES, 1945
No. 9

AGREEMENT
BETWEEN
CANADA
AND
THE UNITED KINGDOM
WITH RESPECT TO THE
LOAN TO THE UNITED KINGDOM
OF VESSELS OWNED BY CANADA

Signed at Ottawa, August 17, 1945

Deemed to have come into Force, December 3, 1943



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED KINGDOM WITH RESPECT TO THE LOAN TO THE GOVERNMENT OF THE UNITED KINGDOM OF VESSELS OWNED BY THE GOVERNMENT OF CANADA.

Signed at Ottawa, August 17, 1945

ARTICLE 1

The Government of Canada agrees to lend and the Government of the United Kingdom agrees to accept on the terms and conditions hereinafter set out the vessels listed in the schedule annexed hereto and such other vessels as may from time to time be delivered and accepted pursuant to and under the terms of this agreement for a period commencing with the respective dates of delivery of the vessels and continuing (subject as hereinafter provided) until terminated by mutual agreement between the two Governments but not extending beyond the cessation of hostilities with the last enemy Power with which the United Kingdom and Canada are both at war. This agreement will apply with respect to all the vessels notwithstanding that certain of the vessels have been delivered to and accepted by the Government of the United Kingdom prior to the execution hereof.

ARTICLE 2

The vessels will be delivered to the Government of the United Kingdom at such places and times as may be agreed upon.

ARTICLE 3

The vessels will, if practicable, be surveyed before delivery in order to determine their condition, but will be accepted by the Government of the United Kingdom in the condition in which the vessels then are, provided, however, that the Government of Canada, if requested to do so by the Government of the United Kingdom, and so far as it is legally possible to do so, will take all practicable steps to enforce any guarantee given by the builders of the vessels or by the suppliers of any machinery or equipment on board the vessels.

ARTICLE 4

No hire will be paid for the vessels.

ARTICLE 5

An agreed inventory of all stores on board, both consumable and nonconsumable, will be made by representatives of the respective Governments on delivery, and again on redelivery of each of the vessels. The Government of the United Kingdom will have the use of all outfit, equipment, appliances, fuel, consumable stores and spare and replacement parts belonging to the Government of Canada and on board the respective vessels at the time of their delivery. Any such items or any similar items on board the respective vessels at the time of their redelivery will become the property of the Government of Canada. Any shortages in inventory at the time of redelivery will be for the account of the Government of the United Kingdom and any such shortage or other discrepancy between the inventories will be adjusted by mutual agreement between the two Governments.

ARTICLE 6

The Government of the United Kingdom may move, alter or add to any of the fittings, or arrangements, on board any of the vessels.

ARTICLE 7

During the currency of this agreement, the vessels will be under the complete control of the Government of the United Kingdom.

ARTICLE 8

All damage incurred by any of the vessels during the currency of this agreement will be borne by the Government of the United Kingdom, and the vessels will (unless lost) be redelivered to the Government of Canada in the same order and condition (ordinary wear and tear excepted) as when delivered to the Government of the United Kingdom, or, at the option of the Government of Canada, as changed or altered pursuant to Article 6 of this agreement.

ARTICLE 9

Should any of the vessels sustain such damage or be in such a position as would appear to the Government of the United Kingdom to render it inadvisable that it should be repaired or salvaged, the Government of the United Kingdom will forthwith notify the Government of Canada. The decision as to whether the vessel is deemed to be lost will rest with the Government of Canada.

ARTICLE 10

No compensation will be payable by the Government of the United Kingdom to the Government of Canada with respect to any vessel lost or deemed to be lost during the currency of this agreement.

ARTICLE 11

The Government of the United Kingdom will bear all costs, expenses and claims of whatever nature arising out of or flowing from the operation of the vessels respectively during the currency of this agreement.

ARTICLE 12

During the currency of this agreement, the vessels may be registered in the name of the Minister of War Transport of the United Kingdom but such registration will not affect the title to the vessels, which will remain vested in the Government of Canada.

ARTICLE 13

Each of the vessels will be redelivered by the Government of the United Kingdom to the Government of Canada at the port of original delivery or at such other port as the Government of Canada may designate.

ARTICLE 14

Notwithstanding any other provision of this agreement, the Government of Canada may require redelivery of all or any of the vessels following the cessation or substantial cessation of hostilities in the European theatre of war.

ARTICLE 15

This agreement is made pursuant to the agreement dated at Ottawa the 11th day of February, 1944,⁽¹⁾ between the Governments of Canada and the United Kingdom on the principles applying to the provision by Canada of Canadian war supplies to the United Kingdom under the War Appropriation (United Nations Mutual Aid) Act, 1943, of Canada, and is deemed to have been made as of the Third day of December, 1943.

Done at Ottawa, this 17th day of August, 1945.

*Signed in duplicate for and on behalf
of the Government of Canada:*

W. L. MACKENZIE KING,
C. D. HOWE.

*Signed in duplicate for and on behalf
of the Government of the United
Kingdom:*

MALCOLM MACDONALD.

⁽¹⁾ *Canada Treaty Series 1945. No. 3.*

SCHEDULE

10,000 TON "FORT" SHIPS DELIVERED TO BRITISH MINISTRY OF WAR TRANSPORT

NORTH SAND TYPE

<i>Name of Ship</i>	<i>Date of Delivery</i>
<i>Fort Aklavik</i>	March 3, 1943
<i>Fort Bedford</i>	March 11, 1943
<i>Fort Cadotte</i>	March 19, 1943
<i>Fort Nakasley</i>	March 23, 1943
<i>Fort Buffalo</i>	March 26, 1943
<i>Fort Chesterfield</i>	March 27, 1943
<i>Fort Wrigley</i>	April 1, 1943
<i>Fort Connolly</i>	April 4, 1943
<i>Fort Enterprise</i>	April 6, 1943
<i>Fort Ash</i>	April 13, 1943
<i>Fort Grouard</i>	April 15, 1943
<i>Fort Dease Lake</i>	April 20, 1943
<i>Fort Glenlyon</i>	April 21, 1943
<i>Fort Assiniboine</i>	April 28, 1943
<i>Fort McPherson</i>	April 30, 1943
<i>Fort Mingan</i>	May 3, 1943
<i>Fort Glenora</i>	May 4, 1943
<i>Fort Carillon</i>	May 6, 1943
<i>Fort Caribou</i>	May 6, 1943
<i>Fort Maisonneuve</i>	May 6, 1943
<i>Fort Vercheres</i>	May 8, 1943
<i>Fort Fidler</i>	May 15, 1943
<i>Fort Athabaska</i>	May 16, 1943
<i>Fort Gloucester</i>	May 18, 1943
<i>Fort Turtle</i>	May 21, 1943
<i>Fort Erie</i>	May 21, 1943
<i>Fort Sturgeon</i>	May 23, 1943
<i>Fort Cumberland</i>	May 25, 1943
<i>Fort St. Paul</i>	May 27, 1943
<i>Fort Albany</i>	May 28, 1943
<i>Fort Capot River</i>	May 29, 1943
<i>Fort Coulonuge</i>	May 31, 1943
<i>Fort Grant</i>	June 1, 1943
<i>Fort Dauphin</i>	June 2, 1943
<i>Fort Bell</i>	June 9, 1943
<i>Fort Carlton</i>	June 16, 1943
<i>Fort Brandon</i>	June 17, 1943
<i>Fort Wellington</i>	June 18, 1943
<i>Fort LaTour</i>	June 23, 1943
<i>Fort St. Regis</i>	July 19, 1943
<i>Fort Norfolk</i>	July 19, 1943
<i>Fort Rouille</i>	July 30, 1943
<i>Fort Missanabie</i>	August 25, 1943
<i>Fort Romaine</i>	September 8, 1943
<i>Fort Frontenac</i>	October 4, 1943
<i>Fort Crevier</i>	October 12, 1943
<i>Fort Lennox</i>	October 18, 1943
<i>Fort Covington</i>	October 21, 1943

<i>Name of Ship</i>	<i>Date of Delivery</i>
<i>Fort Moose</i>	October 30, 1943
<i>Fort Michipicoten</i>	October 30, 1943
<i>Fort Richelieu</i>	November 8, 1943
<i>Fort Esperance</i>	November 10, 1943
<i>Fort St. Joseph</i>	November 19, 1943
<i>Fort Henley</i>	November 18, 1943
<i>Fort La Prairie</i>	November 26, 1943
<i>Fort Pic</i>	December 3, 1943
<i>Fort Ticonderoga</i>	December 7, 1943
<i>Fort Beausejour</i>	December 10, 1943
<i>Fort Brunswick</i>	December 20, 1943
<i>Fort Musquroo</i>	May 19, 1944
<i>Fort La Cloche</i>	June 9, 1944
<i>Fort Mattagami</i>	June 29, 1944
<i>Fort Highfield</i>	July 24, 1944
<i>Fort Nottingham</i>	August 10, 1944
<i>Fort Miami</i>	September 21, 1944
<i>Fort Spokane</i>	September 27, 1944
<i>Fort Nisqually</i>	October 13, 1944

VICTORY TYPE

<i>Fort Columbia</i>	July 13, 1943
<i>Fort Astoria</i>	July 19, 1943
<i>Fort Yukon</i>	July 28, 1943
<i>Fort Kullyspell</i>	August 2, 1943
<i>Fort Hall</i>	August 4, 1943
<i>Fort Crevecœur</i>	August 17, 1943
<i>Fort Bellingham</i>	August 18, 1943
<i>Fort Clatsop</i>	August 27, 1943
<i>Fort Kaskaskia</i>	September 3, 1943
<i>Fort Boise</i>	September 17, 1943
<i>Fort Massac</i>	September 18, 1943
<i>Fort Colville</i>	September 19, 1943
<i>Fort St. Nicholas</i>	September 29, 1943
<i>Fort La Baye</i>	October 3, 1943
<i>Fort Pannura</i>	October 8, 1943
<i>Fort Prudhomme</i>	October 9, 1943
<i>Fort Sakisdac</i>	October 20, 1943
<i>Fort Marin</i>	October 27, 1943
<i>Fort Venango</i>	October 30, 1943
<i>Fort Machault</i>	November 10, 1943
<i>Fort Saleesh</i>	November 13, 1943
<i>Fort Orleans</i>	November 20, 1943
<i>Fort St. Croix</i>	December 9, 1943
<i>Fort St. Antoine</i>	December 17, 1943
<i>Fort Biloxi</i>	December 18, 1943
<i>Fort Dearborn</i>	January 18, 1944
<i>Fort Wallace</i>	February 19, 1944
<i>Fort Perrot</i>	February 25, 1944
<i>Fort La Have</i>	March 8, 1944
<i>Fort Island</i>	March 16, 1944
<i>Fort Brisbois</i>	March 25, 1944
<i>Fort Aspin</i>	July 21, 1944

V. S. I. SHIPS

<i>Fort Dunvegan</i>	April 15, 1944
<i>Fort Constantine</i>	April 26, 1944
<i>Fort Kilmar</i>	June 14, 1944
<i>Fort Providence</i>	July 8, 1944
<i>Fort McDonnell</i>	August 2, 1944
<i>Fort Alabama</i>	August 23, 1944
<i>Fort Edmonton</i>	September 14, 1944
<i>Fort Wrangell</i>	December 22, 1944

CANADA

TREATY SERIES, 1945

No. 10

AGREEMENT

BETWEEN

CANADA

AND

THE UNITED KINGDOM

SUPPLEMENTAL TO

AN AGREEMENT WITH RESPECT TO THE LOAN
TO THE UNITED KINGDOM

OF

VESSELS OWNED BY CANADA

Signed at Ottawa, August 17, 1945

DEEMED TO HAVE BEEN MADE
DECEMBER 3, 1943



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED KINGDOM, SUPPLEMENTAL TO AN AGREEMENT DEEMED TO HAVE BEEN MADE AS OF THE 3RD DAY OF DECEMBER, 1943, WITH RESPECT TO THE LOAN TO THE GOVERNMENT OF THE UNITED KINGDOM OF VESSELS OWNED BY THE GOVERNMENT OF CANADA.

Signed at Ottawa, August 17, 1945

ARTICLE 1

By an agreement deemed to have been made as of the 3rd day of December, 1943,* provision was made for the loan by the Government of Canada to the Government of the United Kingdom of certain vessels upon the terms and conditions therein contained. With respect to the vessels listed in the schedule annexed hereto, it is agreed that the Government of Canada shall lend and the Government of the United Kingdom shall accept such vessels pursuant to and under the terms and conditions of the said agreement, subject to the following variations, namely—

Article 11 and Article 13 of the said agreement shall not apply to the said vessels which shall at all times be the property of and shall remain registered in the name of the Government of Canada, but may also be registered in the name of the Ministry of War Transport of the United Kingdom, and all or any of the said vessels shall be redelivered to the Government of Canada at any time upon the request of the Government of Canada notwithstanding any provision of the said agreement.

ARTICLE 2

This agreement is supplemental to the said agreement between the Government of Canada and the Government of the United Kingdom deemed to have been made as of the 3rd day of December, 1943, which shall be read herewith.

Dated at Ottawa this 17th day of August 1945.

Signed in duplicate for and on behalf of the Government of Canada:

W. L. MACKENZIE KING.
C. D. HOWE.

Signed in duplicate for and on behalf of the Government of the United Kingdom:

MALCOLM MACDONALD.

* *Canada Treaty Series 1945, No. 9.*

SCHEDULE

4,700 TON VESSELS DELIVERED TO BRITISH MINISTRY OF WAR TRANSPORT

<i>Name of Vessel</i>	<i>Date of Delivery</i>
<i>Camp Debert</i>	January 27, 1944
<i>Dartmouth Park</i>	February 1, 1944
<i>Woodland Park</i>	February 25, 1944
<i>Ainslie Park</i>	March 14, 1944
<i>Chignecto Park</i>	March 29, 1944
<i>Montmorency Park</i>	April 4, 1944
<i>Kensington Park</i>	April 17, 1944
<i>Confederation Park</i>	June 3, 1944
<i>Avondale Park</i>	June 10, 1944
<i>Cataraqui Park</i>	June 30, 1944
<i>Lansdowne Park</i>	July 3, 1944
<i>Manitou Park</i>	July 31, 1944
<i>Taber Park</i>	August 28, 1944
<i>Crescent Park</i>	November 15, 1944
<i>Willow Park</i>	December 20, 1944

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CANADA

TREATY SERIES, 1945

No. 11

AGREEMENT
BETWEEN
CANADA AND AUSTRALIA
WITH RESPECT TO
THE LOAN TO AUSTRALIA
OF
VESSELS OWNED BY CANADA

Signed at Ottawa, August 17, 1945

DEEMED TO HAVE BEEN MADE
DECEMBER 3, 1943



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

CANADA

TREATY SERIES, 1945
No. 11

AGREEMENT
BETWEEN
CANADA AND AUSTRALIA
WITH RESPECT TO
THE LOAN TO AUSTRALIA
OF
VESSELS OWNED BY CANADA

Signed at Ottawa, August 17, 1945

DEEMED TO HAVE BEEN MADE
DECEMBER 3, 1943



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA WITH RESPECT TO THE LOAN TO THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA OF VESSELS OWNED BY THE GOVERNMENT OF CANADA.

Signed at Ottawa, August 17, 1945

ARTICLE 1

The Government of Canada agrees to lend and the Government of the Commonwealth of Australia agrees to accept on the terms and conditions herein-after set out the vessels listed in the schedule annexed hereto and such other vessels as may from time to time be delivered and accepted pursuant to and under the terms of this agreement for a period commencing with the respective dates of delivery of the vessels and continuing (subject as hereinafter provided) until terminated by mutual agreement between the two Governments but not extending beyond the cessation of hostilities with the last enemy Power with which the Commonwealth of Australia and Canada are both at war. This agreement will apply with respect to all the vessels notwithstanding that certain of the vessels have been delivered to and accepted by the Government of the Commonwealth of Australia prior to the execution hereof.

ARTICLE 2

The vessels will be delivered to the Government of the Commonwealth of Australia at such places and times as may be agreed upon.

ARTICLE 3

The vessels will, if practicable, be surveyed before delivery in order to determine their condition, but will be accepted by the Government of the Commonwealth of Australia in the condition in which the vessels then are, provided, however, that the Government of Canada, if requested to do so by the Government of the Commonwealth of Australia, and so far as it is legally possible to do so, will take all practicable steps to enforce any guarantee given by the builders of the vessels or by the suppliers of any machinery or equipment on board the vessels.

ARTICLE 4

No hire will be paid for the vessels.

ARTICLE 5

An agreed inventory of all stores on board, both consumable and non-consumable, will be made by the representatives of the respective Governments on delivery, and again on redelivery of each of the vessels. The Government of the Commonwealth of Australia will have the use of all outfit, equipment, appliances, fuel, consumable stores and spare and replacement parts belonging to the Government of Canada and on board the respective vessels at the time of their delivery. Any such items or any similar items on board the respective

vessels at the time of their redelivery will become the property of the Government of Canada. Any shortages in inventory at the time of redelivery will be for the account of the Government of the Commonwealth of Australia and any such shortage or other discrepancy between the inventories will be adjusted by mutual agreement between the two Governments.

ARTICLE 6

The Government of the Commonwealth of Australia may move, alter or add to any of the fittings, or arrangements, or board any of the vessels.

ARTICLE 7

During the currency of this agreement, the vessels will be under the complete control of the Government of the Commonwealth of Australia.

ARTICLE 8

All damage incurred by any of the vessels during the currency of this agreement will be borne by the Government of the Commonwealth of Australia and the vessels will (unless lost) be redelivered to the Government of Canada in the same order and condition (ordinary wear and tear excepted) as when delivered to the Government of the Commonwealth of Australia, or, at the option of the Government of Canada, as changed or altered pursuant to Article 6 of this agreement.

ARTICLE 9

Should any of the vessels sustain such damage or be in such a position as would appear to the Government of the Commonwealth of Australia to render it inadvisable that it should be repaired or salvaged, the Government of the Commonwealth of Australia will forthwith notify the Government of Canada. The decision as to whether the vessel is deemed to be lost will rest with the Government of Canada.

ARTICLE 10

No compensation will be payable by the Government of the Commonwealth of Australia to the Government of Canada with respect to any vessel lost or deemed to be lost during the currency of this agreement.

ARTICLE 11

The Government of the Commonwealth of Australia will bear all costs, expenses and claims of whatever nature arising out of or flowing from the operation of the vessels respectively during the currency of this agreement.

ARTICLE 12

During the currency of this agreement, the vessels may be registered in the name of the Minister of Supply and Shipping of the Commonwealth of Australia, but such registration will not affect the title to the said vessels which will remain vested in the Government of Canada.

ARTICLE 13

Each of the vessels will be redelivered by the Government of the Commonwealth of Australia to the Government of Canada at the port of original delivery or at such other port as the Government of Canada may designate.

ARTICLE 14

Notwithstanding any other provision of this agreement, the Government of Canada may require redelivery of all or any of the vessels following the cessation or substantial cessation of hostilities in the Pacific theatre of war.

ARTICLE 15

This agreement is made pursuant to the agreement dated at Ottawa the 9th day of March, 1944,* between the Governments of Canada and the Commonwealth of Australia on the principles applying to the provision by Canada of Canadian war supplies to the Commonwealth of Australia under the War Appropriation (United Nations Mutual Aid) Act, 1943, of Canada, and is deemed to have been made as of the third day of December, 1943.

Dated at Ottawa, this 17th day of August 1945.

*Signed in duplicate for and on behalf
of the Government of Canada:*

W. L. MACKENZIE KING.
C. D. HOWE.

*Signed in duplicate for and on behalf
of the Government of the Commonwealth of Australia:*

ALFRED STIRLING.

SCHEDULE

4,700 TON VESSELS DELIVERED TO THE COMMONWEALTH OF AUSTRALIA

<i>Name of Vessel</i>	<i>Date of Delivery</i>
<i>Fawkner Park</i>	January 21, 1944
<i>Taronga Park</i>	May 8, 1944.

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Canada Extraordinary Series

CANADA

TREATY SERIES, 1945

No. 12

TREATY AND PROTOCOL

FOR THE

EXTRADITION OF CRIMINALS

CONCLUDED BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

Treaty signed at Washington, April 29, 1942

Protocol signed at Ottawa, October 3, 1945

(These instruments have not yet been ratified)



OTTAWA

EDMOND CLOUTIER

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1945

CANADA

TREATY SERIES, 1945

No. 12

TREATY AND PROTOCOL

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OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1945

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TREATY AND PROTOCOL FOR THE EXTRADITION OF CRIMINALS BETWEEN CANADA AND THE UNITED STATES OF AMERICA*

Treaty signed at Washington, April 29, 1942

Protocol signed at Ottawa, October 3, 1945

TREATY

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada; and

The President of the United States of America,

Desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have named for that purpose as their respective plenipotentiaries:

His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, for Canada:

Mr. Leighton McCarthy, K.C., Envoy Extraordinary and Minister Plenipotentiary of Canada at Washington; and

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:

ARTICLE I

The high contracting parties engage to deliver up to each other, under the circumstances and conditions stated in the present treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in article III, committed within the territory of the one party, shall be found within the territory of the other party.

ARTICLE II

For the purposes of the present treaty:

- (a) the territory of Canada shall be deemed to be all territory wherever situated under its exclusive administration and control;
- (b) the territory of the United States of America shall be deemed to be all territory wherever situated belonging to the United States of America including its dependencies and all other territories under its exclusive administration or control;

*For the extradition arrangements previously in effect, see the Conventions concluded between His Britannic Majesty and the United States on the 9th August, 1842 (*Treaties and Agreements Affecting Canada in force between His Majesty and the United States of America, 1814-1925*, Ottawa, 1927, page 18), the 12th July, 1889 (*ibid.*, p. 73), the 13th December, 1900 (*ibid.*, p. 140), the 12th April, 1905 (*ibid.*, p. 163), the 15th May, 1922 (*ibid.*, p. 504), and the 8th January, 1925 (*ibid.*, p. 514).

- (c) the word "territory" shall be deemed to include territorial waters, merchant vessels on and aircraft over the high seas, and men of war wherever situated;
- (d) "requesting country" shall be deemed to mean that country on behalf of which a competent authority requests the surrender of an accused or convicted person;
- (e) "requested country" shall be deemed to mean that country from which the surrender of an accused or convicted person is requested by a competent authority of the other country.

ARTICLE III

Extradition shall be reciprocally granted for the following crimes or offences:

- 1. Murder (including crimes designated by the terms assassination, parricide, poisoning, and infanticide); manslaughter.
- 2. Malicious wounding; inflicting grievous bodily harm.
- 3. Rape, abortion, carnal knowledge of children under the age of 16 years; indecent assault or incest provided such crime or offence is punishable by the laws of both countries.
- 4. Procuration; abduction, or detention of women or girls for immoral purposes.
- 5. Bigamy.
- 6. Arson.
- 7. Wilful and unlawful destruction or obstruction of railroads, highways, docks, channels, beacons and buoys, airdromes, and other transportation facilities.
- 8. Crimes committed on the high seas, in the territorial seas or inland waters as follows:
 - (a) Piracy, as commonly known and defined by the law of nations, or by statutes;
 - (b) Wrongfully sinking or destroying a vessel or attempting to do so;
 - (c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;
 - (d) Assault on board ship with intent to do bodily harm.
- 9. Burglary, shop-breaking, and house-breaking.
- 10. The act of breaking into and entering the offices of government and public authorities, or any buildings not dwellings with intent to commit a crime or offence therein.
- 11. Robbery.
- 12. Forgery or uttering what is forged.
- 13. The forgery or falsification of the official documents or acts of the government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of state or public administrations, and the utterance, circulation or fraudulent use of the above-mentioned objects; knowingly and without lawful authority making or having in possession any instrument, tool or engine adapted and intended for the counterfeiting of any of the above-mentioned objects.

15. Embezzlement.

16. Kidnapping or false imprisonment of minors or adults.

17. Larceny or theft.

18. Obtaining any property, including money or valuable securities, by false pretences, or receiving any property, including money or valuable securities, knowing the same to have been unlawfully obtained.

19. Perjury or subornation of perjury.

20. Fraud, or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, or by a director or officer of any company or corporation, or by any one in any fiduciary position; fraudulent conversion.

21. Crimes and offences against the laws for the suppression of slavery and slave trading.

22. Wilful desertion or wilful non-support of minor or dependent children.

23. Bribery, defined to be the offering, giving or receiving of bribes.

24. Crimes or offences against the bankruptcy laws.

25. Crimes or offences against the laws for the suppression of traffic in narcotics.

26. Using the mails to defraud.

27. Extortion, or threats with intent to extort money or other things of value.

28. Malicious injury to property.

29. Use of explosives so as to endanger human life or property.

30. Smuggling, defined to be the act of wilfully and knowingly violating the customs laws.

31. Crimes or offences against the laws for the prevention of fraud in the sale or purchase of securities.

32. Crimes or offences, if indictable, against the laws regulating

(a) public securities, markets, or activities affecting such markets;

(b) registration or licensing of securities or of persons or companies doing business in securities, or giving advice with respect thereto;

(c) investment or public utility companies.

33. Extradition shall also take place for participation or conspiracy in any of the crimes or offences before mentioned or in any attempt to commit any of such crimes or offences.

ARTICLE IV

An accused person shall not be surrendered if the crime or offence for which his surrender is requested is one of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try to punish him for a crime or offence of a political character, provided that in no case shall murder, assassination or poisoning, either consummated or attempted, be deemed a crime or offence of a political character.

ARTICLE V

An accused person shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause according to the laws of the requesting country, he is exempt from prosecution or punishment for the crime or offence for which the surrender is asked.

ARTICLE VI

Extradition shall not take place if the person claimed has already been tried and discharged or punished, or is being punished, or is still under trial in the territories of the requested country, for the crime or offence for which his extradition is requested.

If the accused person be actually under prosecution, out on bail or in custody, for a crime or offence committed in the requested country, or shall have been convicted thereof, his extradition may be deferred until such proceedings be ended, and until he shall have been set at liberty in due course of law.

ARTICLE VII

No person shall be tried for any crime or offence committed prior to his extradition, other than that for which he was surrendered, unless for one month after trial, or in case of conviction, for one month after having suffered his punishment, or having been pardoned, he has been at liberty to leave the country.

ARTICLE VIII

The arrest and extradition of persons under the provisions of this treaty shall be carried out in Canada and in the United States of America, respectively, in conformity with the laws regulating extradition for the time being in force in the requested country.

Pertinent statutes of the requesting country shall be regarded as sufficiently proved for the purposes of extradition if they are certified by a principal law officer of such country or a sub-division thereof.

Requisition for the surrender of accused persons shall be made by the diplomatic agent of the requesting country. In the event of the absence of such agent from the country, requisition may be made by a consular officer.

ARTICLE IX

Extradition shall take place if the evidence be found sufficient to justify committal for trial for a crime or offence against the laws of the requesting country. In determining the sufficiency of such evidence, the courts of the requested country may apply the laws of the requested country with regard to the sufficiency of evidence to justify committal for trial in criminal causes. It shall not be essential to produce evidence sufficient to convict the accused person

of the crime or offence charged were he placed on trial therefor, and it shall not be essential to establish that the crime or offence would be a crime or offence under the laws of the requested country.

If the person claimed shall have been convicted of the crime or offence for which his surrender is asked, it shall be sufficient to prove that he is the identical person so convicted in the courts of the requesting country and to produce a duly authenticated copy of the sentence of the court before which such conviction took place.

ARTICLE X

If the person claimed by one of the high contracting parties pursuant to the stipulations of this treaty shall also be claimed by one or more other countries on account of crimes or offences committed within their jurisdiction, such person shall be delivered to that country whose claim is first received unless such claim is waived.

ARTICLE XI

Either Government may ask for the provisional apprehension and detention of a person, if it indicates at the same time its intention to request his extradition. During the period of provisional arrest of a person, whether pursuant to a formal request or otherwise, for the purpose of extradition hereunder, the legal officers of the requested country shall oppose the release on bail of such accused or convicted person, except in cases in which the denial of bail would, in their opinion, cause injustice.

Any fugitive provisionally arrested shall be released unless within two months from the date of arrest, or within such further time as a proper authority of the requested country shall direct, the formal requisition for surrender is made by the appropriate representative of the requesting country and within that time the documentary proofs in support of the requisition are produced before the appropriate judge or magistrate.

If, at any time prior to committal for trial, the accused or convicted person shall signify his willingness to return to the requesting country he shall, subject to the consent of the competent authorities of the requested country, be delivered to the proper officials of the requesting country for return thereto.

ARTICLE XII

All articles which were in the possession of the person to be surrendered at the time of his apprehension, and any articles that may serve as a proof of the crime or offence, shall be given up when the extradition takes place, in so far as this may be permitted by the law of the requested country.

ARTICLE XIII

All expenses connected with the extradition shall be borne by the requesting country. However, the appropriate legal officers of the requested country where the proceedings of extradition are had, shall, consistently with the discharge of their duties and without charge, co-operate with the officers of the requesting country before the respective judges and magistrates.

ARTICLE XIV

The present treaty shall be ratified by the high contracting parties in accordance with their respective constitutional methods and shall take effect ten days after the exchange of ratifications which shall take place at Washington as soon as possible.

The present treaty shall remain in force for a period of five years and in case neither of the high contracting parties shall have given notice one year before the expiration of that period of his intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the high contracting parties.

On the coming into force of the present treaty it shall supersede all other existing provisions of treaties and conventions relating to extradition between Canada and the United States of America.

IN WITNESS WHEREOF the above-named plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

DONE in duplicate at Washington this twenty-ninth day of April, 1942.

(Seal) LEIGHTON McCARTHY.

(Seal) CORDELL HULL.

PROTOCOL ANNEXED TO THE TREATY FOR THE EXTRADITION OF
CRIMINALS BETWEEN CANADA AND THE UNITED STATES
OF AMERICA WHICH WAS SIGNED AT WASHINGTON
APRIL 29, 1942

The undersigned, having been duly authorized to conclude a Protocol to be annexed to, and to form a part of, the Treaty for the Extradition of Criminals between Canada and the United States of America which was signed at Washington on April 29, 1942:

Considering that it is desired that the provisions of Items 26, 31 and 32 of Article 3 of the Treaty should not extend to the extradition of persons engaged in lawful business transactions in the requested country, unless the activities of such persons involve fraud, as defined by the laws of both countries, or wilful and knowing violation of the laws of the requesting country; and

Considering that it is desired that said provisions should not extend to the extradition of a publisher or vendor of a lawful publication in the requested country which is primarily intended for sale and circulation in that country, the circulation of which in the requesting country is only incidental to the ordinary course of publication and sale in the requested country; and

Considering that it is desired that all doubt should be removed as to the retroactive effect of any provisions of Article 3 of the Treaty which make extradition possible for an offence which was not previously an extraditable offence:

have accordingly agreed as follows:

1. No person dealing in securities in the requested country in the ordinary course of business and in compliance with the laws of the requested country shall be subject to extradition in respect of any matter involving an offence under Items 26, 31 or 32 of Article 3 of the Treaty, unless the offence involves—

- (a) fraud, as defined by the laws of both countries, or
- (b) wilful and knowing violation of the laws of the requesting country.

2. No person shall be subject to extradition for the sale and circulation in the requesting country of a lawful publication in the requested country which is primarily intended for sale and circulation in that country, the circulation of which in the requesting country is only incidental to the ordinary course of publication and sale in the requested country.

3. No person shall be subject to extradition by reason of any offence committed at a date prior to that on which the present Treaty comes into effect which was not an extraditable offence at the time when it was committed.

4. The terms of this declaration shall be deemed to have equal force and effect as the Treaty itself and to form an integral part thereof.

IN FAITH WHEREOF, the undersigned have signed the present Protocol and have affixed thereto their respective seals.

DONE in Ottawa this third day of October, one thousand nine hundred and forty-five.

RAY ATHERTON,
*Ambassador Extraordinary and Plenipotentiary of
the United States of America.*

LOUIS S. ST. LAURENT,
Acting Secretary of State for External Affairs.

(CANADA)

TREATY SERIES, 1945

No. 13

DECLARATION

ON

ATOMIC ENERGY

MADE BY

THE PRESIDENT
OF THE UNITED STATES OF AMERICA

THE PRIME MINISTER
OF THE UNITED KINGDOM

AND THE

PRIME MINISTER OF CANADA

At Washington, November 15, 1945



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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ATOMIC ENERGY

AGREED DECLARATION BY THE PRESIDENT OF THE UNITED STATES, THE PRIME MINISTER OF THE UNITED KINGDOM, AND THE PRIME MINISTER OF CANADA

THE PRESIDENT OF THE UNITED STATES, THE PRIME MINISTER OF THE UNITED KINGDOM, AND THE PRIME MINISTER OF CANADA, have issued the following statement.

1. We recognize that the application of recent scientific discoveries to the methods and practice of war has placed at the disposal of mankind means of destruction hitherto unknown, against which there can be no adequate military defence, and in the employment of which no single nation can in fact have a monopoly.

2. We desire to emphasize that the responsibility for devising means to ensure that the new discoveries shall be used for the benefit of mankind, instead of as a means of destruction, rests not on our nations alone, but upon the whole civilized world. Nevertheless, the progress that we have made in the development and use of atomic energy demands that we take an initiative in the matter, and we have accordingly met together to consider the possibility of international action:—

- (a) To prevent the use of atomic energy for destructive purposes,
- (b) To promote the use of recent and future advances in scientific knowledge, particularly in the utilization of atomic energy, for peaceful and humanitarian ends.

3. We are aware that the only complete protection for the civilized world from the destructive use of scientific knowledge lies in the prevention of war. No system of safeguards that can be devised will of itself provide an effective guarantee against production of atomic weapons by a nation bent on aggression. Nor can we ignore the possibility of the development of other weapons, or of new methods of warfare, which may constitute as great a threat to civilization as the military use of atomic energy.

4. Representing as we do, the three countries which possess the knowledge essential to the use of atomic energy, we declare at the outset our willingness, as a first contribution, to proceed with the exchange of fundamental scientific information and the interchange of scientists and scientific literature for peaceful ends with any nation that will fully reciprocate.

5. We believe that the fruits of scientific research should be made available to all nations, and that freedom of investigation and free interchange of ideas are essential to the progress of knowledge. In pursuance of this policy, the basic scientific information essential to the development of atomic energy for peaceful purposes has already been made available to the world. It is our intention that all further information of this character that may become available from time to time shall be similarly treated. We trust that other nations will adopt the same policy, thereby creating an atmosphere of reciprocal confidence in which political agreement and cooperation will flourish.

6. We have considered the question of the disclosure of detailed information concerning the practical industrial application of atomic energy. The military exploitation of atomic energy depends, in large part, upon the same methods and processes as would be required for industrial uses.

We are not convinced that the spreading of the specialized information regarding the practical application of atomic energy, before it is possible to devise effective, reciprocal, and enforceable safeguards acceptable to all nations, would contribute to a constructive solution of the problem of the atomic bomb. On the contrary we think it might have the opposite effect. We are, however, prepared to share, on a reciprocal basis with others of the United Nations, detailed information concerning the practical industrial application of atomic energy just as soon as effective enforceable safeguards against its use for destructive purposes can be devised.

7. In order to attain the most effective means of entirely eliminating the use of atomic energy for destructive purposes and promoting its widest use for industrial and humanitarian purposes, we are of the opinion that at the earliest practicable date a Commission should be set up under the United Nations Organization to prepare recommendations for submission to the Organization.

The Commission should be instructed to proceed with the utmost dispatch and should be authorized to submit recommendations from time to time dealing with separate phases of its work.

In particular the Commission should make specific proposals:—

- (a) For extending between all nations the exchange of basic scientific information for peaceful ends,
- (b) For control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,
- (c) For the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction,
- (d) For effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

8. The work of the Commission should proceed by separate stages, the successful completion of each one of which will develop the necessary confidence of the world before the next stage is undertaken. Specifically it is considered that the Commission might well devote its attention first to the wide exchange of scientists and scientific information, and as a second stage to the development of full knowledge concerning natural resources of raw materials.

9. Faced with the terrible realities of the application of science to destruction, every nation will realize more urgently than before the overwhelming need to maintain the rule of law among nations and to banish the scourge of war from the earth. This can only be brought about by giving wholehearted support to the United Nations Organization, and by consolidating and extending its authority, thus creating conditions of mutual trust in which all peoples will be free to devote themselves to the arts of peace. It is our firm resolve to work without reservation to achieve these ends.

HARRY S. TRUMAN,
President of the United States.

C. R. ATTLEE,
Prime Minister of the United Kingdom.

W. L. MACKENZIE KING,
Prime Minister of Canada.

The City of WASHINGTON,
THE WHITE HOUSE,
November 15, 1945.

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E

Canada, External Affairs 894.12

CANADA

TREATY SERIES, 1945

No. 14

AGREEMENT

ON

TELECOMMUNICATIONS QUESTIONS

BETWEEN

CANADA, THE UNITED KINGDOM, AUSTRALIA,
NEW ZEALAND, THE UNION OF SOUTH AFRICA,
INDIA, SOUTHERN RHODESIA
AND THE UNITED STATES OF AMERICA

Signed in Bermuda, December 4, 1945



OTTAWA
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1946



Price, 25 cents

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AGREEMENT ON TELECOMMUNICATIONS QUESTIONS

Signed in Bermuda, December 4, 1945

The Delegations of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, India, and Southern Rhodesia, assembled in Conference in Bermuda from November 21 to December 4, 1945, have reached agreement as follows:

ARTICLE I. RADIOTELEGRAPH CIRCUITS

Section 1. Existing direct radiotelegraph circuits.

(i) *United Kingdom:* The circuits between the United States and the United Kingdom shall be retained, subject to examination as to the number required and to consultation between the two Governments before any of these circuits is discontinued.

(ii) *Australia, New Zealand and India:* One circuit shall be retained between the United States and each of these countries.

(iii) *Bermuda:* Both circuits between the United States and Bermuda may be retained, subject to the agreement of the Government of Bermuda.

(iv) *The Gambia, the Gold Coast and British Guiana:* The circuits between the United States and these British Colonies shall be discontinued.

Section 2. New direct radiotelegraph circuits.

(i) *South Africa:* The Governments of the United States and of the Union of South Africa shall promptly undertake a joint study to determine whether traffic and other conditions justify the establishment of a direct circuit between the two countries.

(ii) *Jamaica:* One direct circuit shall be established between the United States and Jamaica, subject to the agreement of the Government of Jamaica.

(iii) *Palestine:* One direct circuit shall be established between the United States and Palestine, subject to the agreement of the Palestine Government.

(iv) *Ceylon, Federated Malay States (Singapore) and Hong Kong:* The Government of the United Kingdom, in consultation with the authorities of the territories concerned, shall undertake a study to determine whether traffic or other conditions warrant the establishment of direct circuits between the United States and Ceylon, the Federated Malay States (Singapore) and Hong Kong respectively.

Section 3. General considerations.

The signatory Governments agree to present, for the consideration of the next International Telecommunications Conference, a statement, along the lines set forth in Annex A, relating to the general factors governing the establishment of direct radiotelegraph circuits.

Section 4. Exclusive arrangements.

The signatory Governments shall neither support nor approve efforts by telecommunications companies subject to their respective jurisdictions to prevent or obstruct the establishment of direct circuits between the United States or British Commonwealth points and other countries, and will take such steps as may be appropriate to discourage any such efforts.

Section 5. Transit traffic.

The traffic normally handled over direct radiotelegraph circuits shall be restricted to traffic originating in and destined for the countries between which the circuits are operated. This does not preclude the use of such circuits as "voies de secours" in emergency. Transit traffic may be handled over direct radiotelegraph circuits in any case where it is agreed that it would otherwise be subject to excessive delay.

ARTICLE II. TELEGRAPH RATES

Section 6. Ceiling rates.

(i) The ceiling rate between the United States on the one hand and the countries of the British Commonwealth on the other shall be 30 cents or 1s. 6d. per ordinary full rate word.

(ii) The ceiling rate between the United States on the one hand and the countries of the British Commonwealth on the other shall be 20 cents or 1s. per word for code (CDE) telegrams.

(iii) For categories of telegrams charged at lower rates, the existing international proportions of the ordinary rate shall be maintained.

(iv) These arrangements shall not involve any increase in existing rates.

Section 7. Press rates.

(i) The ceiling rate for Press traffic between the United States and the countries of the British Commonwealth shall be 6-1/2 cents or 4d. per ordinary word. No rate already below this ceiling of 6-1/2 cents or 4d. per word shall be increased.

Note:

The existing Press rate within the British Commonwealth of 1d. per ordinary word may be extended to press traffic between the countries of the British Commonwealth and any other country.

Section 8. Terminal and transit charges.

(i) The terminal and transit charges for traffic to which the ceiling rate of 30 cents or 1s. 6d. per ordinary full rate word applies shall be uniform.

(ii) For the purposes of applying these charges countries shall be classified in two categories, as follows:

(a) Countries of extensive area, such as Canada, Australia, India, South Africa, and the Continental United States.
(b) All other countries.

(iii) For traffic to which the ceiling rate applies, the terminal and transit charges for an ordinary full rate word shall be:

(a) A terminal charge of 4 cents or 2½d. for countries in category (a) and 2-1/2 cents or 1½d. for countries in category (b).

(b) A transit charge of 3-1/3 cents or 2d. for countries in category (a) and 1-2/3 cents or 1d. for countries in category (b).

(iv) Terminal and transit charges for other classifications of traffic shall be proportional to the charges collected.

(v) No terminal or transit charge shall exceed the charges prescribed in paragraphs (iii) and (iv) above. Subject to this provision, existing terminal and transit charges at rates below the proposed new ceiling shall be maintained pending review by the interested parties.

(vi) Terminal and transit charges shall be regarded as payments for services rendered. The terminal charges are payable for traffic originating in or destined for a country. The transit charges are payable for traffic carried

across the territory of a country for onward transmission beyond that country. All terminal and transit charges shall be included in the ceiling rate and shall not be additional thereto.

(vii) These arrangements shall not involve any increase in existing terminal and transit charges.

Note:

Provided the charges accruing to the other international carriers are not affected, the division of the charges between an international carrier and its corresponding domestic carrier shall be of no concern to the other international carriers.

Section 9. Division of tolls.

(i) In the case of direct radiotelegraph circuits, the portion of the tolls remaining after deduction of terminal and transit charges shall be divided equally between the transmitting and receiving organizations.

(ii) Reductions in payments for services over indirect routes resulting from the introduction of reduced rates shall be borne by those concerned in the same proportion as the present charges are now divided.

(iii) The application of paragraphs (i) and (ii) of this Section to existing contracts and the specific arrangements to give effect to them shall be considered by the parties concerned.

Section 10. Currency.

In view of the fact that the gold franc system of telegraph charges and accounting is unsatisfactory in present conditions, the fixing of tariffs and the settlement of accounts between the United States and the countries of the British Commonwealth shall be governed by the following general principles:

(i) The tariffs shall be drawn up in dollars and in sterling, and the tariffs so expressed shall be approximately equivalent at \$4.03 to £1.

(ii) In the event of an alteration in the average of the buying and selling rates for telegraphic transfer of dollars and sterling by more than 2 per cent from \$4.03 to £1, arrangements shall be made promptly, at the request of any country, for consultation on the adjustment of tariffs, which shall be drawn up in dollars and sterling and which shall be approximately equivalent at an agreed rate of exchange.

(iii) In any country other than the United States and the United Kingdom, the schedule of charges in local currency for messages shall at all times be the approximate equivalent of the tariffs drawn up in dollars and in sterling at the average of the buying and selling rates for telegraphic transfers of the currency in terms of dollars or sterling. Minor fluctuations in the exchange rates shall not of themselves require a modification of the schedule of charges in local currency. In fixing collection charges in its local currency, a country shall be entitled to vary the precise equivalent of the dollar-sterling tariff to the nearest convenient unit.

(iv) The balance due as between the parties concerned shall be calculated in accordance with the tariffs drawn up in dollars and sterling, and settlement shall be made in the currency of the country of the creditor party on the basis of \$4.03 to £1. In the case of a request for consultation in accordance with paragraph (ii) of this Section, obligations incurred prior to the date of such request shall be settled on the basis of \$4.03 to £1. The basis of settlement of balances arising in respect of the period between the date of such request and the date when new tariffs as provided in paragraph (ii) of this

Section become effective shall be a matter for agreement between the parties concerned. On and after the date when new tariffs become effective settlement shall be made on the basis of the new agreed dollar-sterling rate of exchange.

(v) In extending to other countries the new ceiling rate of 30 cents or 1s. 6d. the United States and the countries of the British Commonwealth shall seek to achieve the establishment of a tariff drawn up on a dollar-sterling basis or, failing agreement on the part of the other country to adopt that basis, of tariffs giving effect as far as practicable to the principles underlying the dollar-sterling basis.

(vi) Should the International Monetary Fund provided for in the Bretton Woods Agreements be established, any necessary modifications in the provisions above should be considered by the authorities concerned.

Section 11. Effective date.

The arrangements provided in this Article shall be brought into force as soon as possible and not later than April 1, 1946. So far as practicable they shall be introduced as from a common date.

Note:

All references in this Article to dollars and cents, and to pounds, shillings and pence, are to United States and United Kingdom currencies respectively.

ARTICLE III. PRESS COMMUNICATIONS

Section 12. Private point to point channels for Press.

Private channels for point to point press traffic shall be provided where the available channels are sufficient. Charges may be based on time, words, or cost, whichever may be agreed upon by the parties concerned.

Section 13. Reception of multiple address press radiocommunications.

(i) The reception of press radio communications addressed to multiple destinations and transmitted from the United States or the countries of the British Commonwealth shall be permitted within their respective territories in all cases where the recipients are authorized by the sender to receive such communications.

(ii) The Governments of the United States and of the United Kingdom and Canada will permit within their respective territories the private reception of such communications either through the recipients' own radio receiving installation or through other private installations. In the United Kingdom such permission may be conditional on the service not being offered to third parties except in the case of recognized news agencies.

(iii) The Governments of Australia, New Zealand, South Africa, India and the United Kingdom on behalf of her colonies will arrange for the reception of such communications through the respective telegraph administrations and will retain the power to exercise their discretion as to the granting of permission to private recipients for the reception of such communications through their own installations or through other private installations.

Note:

The position of Southern Rhodesia under Section 13 is reserved.

ARTICLE IV. CABLES

Section 14.

(i) In order to secure the optimum development of telecommunications services, and in view of the important strategic role which cables as well as radio play in a co-ordinated telecommunications system, research and development work in both cable and radio communication shall be fostered and promoted. The use of improvements such as submarine repeaters and multi-channel operation shall wherever possible be encouraged.

(ii) Inasmuch as the trans-Atlantic cables form an integral part of a world telecommunication system, uniform procedures and techniques shall be adopted in their operation. The present arrangements for mutual consultation and co-operative action with respect to the trans-Atlantic cables shall be continued.

ARTICLE V. STANDARDIZATION

Section 15.

The Governments of the British Commonwealth shall support a recommendation, to be made by the United States Government, to the International Telegraph Consultative Committee (CCIT) and the International Consultative Committee for Radiocommunications (CCIR) on the question of standardization of modern Telecommunication methods along the following lines:—

In order to further the development and wide-spread use of modern telecommunication systems susceptible to interconnection and interchange of messages and in the interests of conservation of the radio frequency spectrum, it is proposed that the CCIT study the establishment of a standardized switching system for international telegraph communications based upon a standard five unit code of operation.

Further, it is proposed that the CCIR study the establishment of standards for:—

- (a) Carrier shift operation for single channel telegraph circuits.
- (b) Multi-tone operation for multi-channel telegraph circuits.
- (c) Performance specifications for phototelegraphic equipment to provide for inter-working, including modulation equipment for radio transmissions.

ARTICLE VI. GENERAL PROVISIONS

Section 16. Consultation.

(i) The parties to this Agreement shall consult on all matters coming within its purview.

(ii) The parties to this Agreement shall, at the earliest stage, advise one another regarding all intended changes in rates on routes of interest to one another.

Section 17. Acceptance.

By their approval of this Agreement, all Governments will accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under their protection, suzerainty, or authority and all territories in respect of which they exercise a mandate, subject to any necessary reservations. The United States will endeavour to obtain the adherence of the Commonwealth of the Philippines to this Agreement.

Section 18. Entry into force.

This Agreement shall come into force as between the several signatory Governments upon the receipt by the United Kingdom Government of the respective notifications of their approval. The United Kingdom Government shall on receipt of such notifications inform all other signatory Governments.

Signed: JAMES CLEMENT DUNN

PAUL A. PORTER

GEORGE P. BAKER

(On behalf of the Delegation of the United States)

W. RAYMOND BIRCHALL

RODNEY A. GALLOP

R. J. P. HARVEY

(On behalf of the Delegation of the United Kingdom)

F. H. SOWARD

WALTER A. RUSH

(On behalf of the Delegation of Canada)

S. H. WITT

(On behalf of the Delegation of Australia)

P. H. CRYER

(On behalf of the Delegation of New Zealand)

E. C. SMITH

(On behalf of the Delegation of the Union of South Africa)

G. W. BEWOOR

(On behalf of the Delegation of India)

W. RAYMOND BIRCHALL

(On behalf of the Delegation of Southern Rhodesia)

W. W. SHAW-ZAMBRA

Secretary of the Conference.

BELMONT MANOR HOTEL,

BERMUDA,

4th December, 1945.

ANNEX A

**GENERAL CONDITIONS GOVERNING THE ESTABLISHMENT
OF DIRECT RADIOTELEGRAPH CIRCUITS**

(i) The desirability of establishing any direct radio circuit between two countries is a matter involving a judgment on its merits by the Governments of both the countries concerned. It is essential that conditions, particularly economic conditions, and the requirements of the users, at both ends of a proposed circuit should be fully considered in each case.

(ii) The governing conditions for the establishment of direct radio circuits are those of traffic and service, with the expeditious disposal of traffic as the main objective.

(iii) The existence of both radio and cables is essential in the general interest of world telecommunications as a whole. Provision of direct radio circuits should therefore have regard to existing channels of communications.

(iv) It is recognised that in certain cases a circuit might be deemed necessary for political reasons.

(CANADA)

TREATY SERIES, 1945
No. 15

ACTS
OF
GERMAN MILITARY SURRENDER

Signed on April 29 and May 4, 7 and 8, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

CANADA

TREATY SERIES, 1945
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OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

SUMMARY

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ACTS OF GERMAN MILITARY SURRENDER

Signed April 29 and March 4, 7, and 8, 1945

I

INSTRUMENT OF LOCAL SURRENDER OF GERMAN AND OTHER FORCES UNDER THE COMMAND OR CONTROL OF THE GERMAN COMMANDER-IN-CHIEF, SOUTH-WEST, SIGNED AT CASERTA, ITALY, APRIL 29, 1945.

1. The German Commander-in-Chief, South-West, hereby surrenders unconditionally all the forces under his command or control on land, at sea and in the air and places himself and these forces unconditionally at the disposal of the Supreme Allied Commander, Mediterranean Theatre of Operations.

2. All armed forces under the command or control of the German Commander-in-Chief, South-West, will cease all hostilities on land, at sea and in the air at 1200 hours (Greenwich mean time) on the 2nd May, 1945. The German Commander-in-Chief, South-West, undertakes to arrange accordingly.

3. The German Commander-in-Chief, South-West, undertakes to carry out the orders set out in Appendices "A", "B" and "C" and any further orders of the Supreme Allied Commander, Mediterranean Theatre of Operations. Disobedience of such orders or failure to comply with them will be dealt with in accordance with the accepted laws and usages of war.

4. This instrument will enter into force immediately on signature, and the orders in Appendices "A", "B" and "C" will become effective on the date and at the time specified in paragraph 2 above.

5. This instrument and accompanying orders are drawn up in the English and German languages. The English version is the authentic text. If any doubt as to meaning or interpretation arises, the decision of the Supreme Allied Commander is final.

6. This instrument is independent of, without prejudice to, and shall be superseded by any general instrument of surrender imposed by or on behalf of the United Nations and applicable to Germany and the German armed forces as a whole.

SCHWEINITZ

VICTOR VON SCHWEINITZ, Lieutenant-Colonel in the General Staff of Army Group C, for Colonel-General VON VIETINGHOFF-SCHEEL, Commander-in-Chief, South-West, and Commander-in-Chief of Army Group C.

MORGAN

W. D. MORGAN, Lieutenant-General, Chief of Staff, for Field-Marshal the Honourable Sir HAROLD R. L. G. ALEXANDER, Supreme Allied Commander of the Mediterranean Theatre of Operations.

WENNER

FUGEN WENNER, S.S-STURMBANN-FUHRER and Major in the Waffen-SS., for S.S.-OBERGRUPPENFUHRER and General of the Waffen-SS. WOLFF, Supreme Commander of S.S. and Police and plenipotentiary General of the General of the German Wehrmacht in Italy.

Signed at Caserta, Italy,
29th April, 1945,
1400 hours.

APPENDIX "A"
ORDERS FOR GERMAN LAND FORCES

1. The term "German Land Forces" wherever used in these orders shall be deemed to include all German and Italian Republican military or para-military forces or organisations, under the command or control of the German Commander-in-Chief, Southwest, who is hereafter referred to as "the German Authority."

2. The term "Supreme Allied Commander" will be deemed to include all subordinate Allied Commanders.

3. The German Authority will send to HQ. 15 Army Group, as soon as possible after the signing of the instrument of surrender, senior representatives with full executive powers to carry out the following orders and such further orders as the Commanding General, 15 Army Group, may issue for compliance by the German Land Forces.

"Stay-put" Order.

4. All formations, units and sub-units of the German Land Forces, wherever they may be, will remain in their present positions and in their existing formations pending further orders from the Supreme Allied Commander. Only such local movement is permitted as is essential for the transmission of orders, the supply of food, water, forage and petrol and the treatment of sick and wounded. (See also paragraph 7.)

5. In particular, all large-scale road and rail movement between Italy and any point outside Italy is absolutely prohibited. Any movement east of the Isonzo River will be liable to air attack without warning.

Disarmament of German Land Forces.

6. All German Land Forces will be completely disarmed. They will hand over their arms, ammunition, equipment and all war-like stores at places and times and in a manner to be further ordered by the Commanding General, 15 Army Group, or any of his subordinate Commanders.

Maintenance of German Land Forces.

7. The German Authority will, pending further orders from the Supreme Allied Commander, maintain its own forces from its own resources. Purchase or requisition from local sources is forbidden.

Status of Surrendered Personnel.

8. All personnel of the German Armed Forces shall be subject to such conditions and directions as may be prescribed by the Supreme Allied Commander. At the Supreme Allied Commander's discretion, some or all of such personnel may be declared to be prisoners of war.

Prohibition of Destruction and Damage.

9. The German Authority will prevent the removal, destruction of or damage to, and will safeguard in good condition at the disposal of the Supreme Allied Commander:

- (a) All arms, ammunition, explosives and war-like stores, equipment, vehicles, material of all kinds, fuel and oil stocks, and any items of supply used by or for members of the German Land Forces.
- (b) All military installations and establishments, including permanent and temporary land fortifications, fortresses and fortified areas together with all plans and drawings of the same.

- (c) All transportation and communications facilities and equipment, including all ports and port facilities and equipment, roads, railways, waterways, bridges, tunnels and telecommunications systems.
- (d) All civil and industrial factories, installations and plant, workshops, laboratories, experimental stations, stores, equipment, supplies, raw materials and finished products, buildings and civil property.
- (e) All cryptographic methods and equipment, cyphers, codes and call-sign systems, whether military, diplomatic or civilian.
- (f) All military, para-military and civil documents, records and archives.

Provision of Information and Facilities.

10. The German Authority will forthwith furnish to the Supreme Allied Commander:

- (a) Complete information regarding the German Land Forces and, in particular, such details as the Supreme Allied Commander may require concerning the numbers, locations, dispositions, stores and equipment of the German Land Forces wherever located.
- (b) Complete information concerning mines, minefields and other obstacles to movement and the safety lanes in connection therewith.
- (c) Such military, para-military and civil documents, records and archives as the Supreme Allied Commander may require.

11. The German Authority will:

- (a) Maintain in operation all public utility and essential civilian services.
- (b) Clearly mark and maintain safety lanes through all minefields and other obstacles to movement.
- (c) Remove or render safe all demolition charges and all booby-traps.
- (d) Make available for the Supreme Allied Commander such military personnel with the necessary equipment, as he may require, for the clearance of mines, minefields, and other obstacles to movement; and such labour as he may require for any purpose.

Disposal of Prisoners of War and of Persons in Custody.

12. The German Authority will release in accordance with the instructions of the Supreme Allied Commander all prisoners of war (naval, military or air) at present in their power, and will furnish forthwith complete lists of these persons with the places of their detention. Pending release of such prisoners of war, the German Authority will continue to protect them in their persons and property, and accord them such treatment and facilities as are prescribed under the Geneva Convention.

13. The provisions of paragraph 12 preceding will be applied by the German Authority equally to all other persons who are confined interned or otherwise under restraint for political reasons or as the result of any action, law or regulation originating from discrimination on grounds of nationality, race, colour, creed or political belief. Such persons as are not entitled to treatment in accordance with the Geneva Convention will be afforded comparable rights and amenities in accordance with their rank or official position.

14. Without prejudice to any other provisions in these orders, the German Authority will hand over to the Supreme Allied Commander, the control of all places of detention.

Radio and Tele-communications.

15. The use of military and civil radio and land-line communication systems is permitted with the proviso that:

- (a) All messages and signals will be made in clear.
- (b) All forms of scrambling and secrecy equipment will be disconnected and safeguarded intact.

Maintenance of Discipline.

16. The German Authority will remain responsible for the maintenance of discipline throughout the German Land Forces as defined in paragraph 1 above.*

Treatment of Allied Liaison Officers and Italian Government Forces in German-occupied Italy.

17. Italian Government forces in Northern Italy comprise all partisan formations and organisations owing allegiance to the C.L.N.A.I. which is the recognised delegate in German-occupied Italy of the Italian Government. Immediate control of these groups is exercised through Allied and Co-belligerent officers operating in conjunction with these forces in the field. Such officers are being instructed immediately to get in touch with local German commanders.

18. The German Command-in-Chief, South-West, and all German subordinate commanders will receive and afford all facilities to these Allied or Co-belligerent officers together with representatives of the C.L.N.A.I. for the purpose of establishing and maintaining, pending arrival of Allied forces, liaison with the following objects:

- (a) The general maintenance of law and order.
- (b) The maintenance of all essential civilian services.
- (c) The provision of communications and transport which may be necessary for the adequate distribution of supplies and the continuance of local administration.

19. For the execution of the above functions all Allied liaison officers will be considered as the representatives of the Supreme Allied Commander. They will be afforded complete freedom of communications by any means.

APPENDIX "B"

ORDERS FOR GERMAN AND GERMAN-CONTROLLED NAVAL FORCES AND MERCHANT SHIPPING

1. (a) The term "German Naval Forces" wherever used in these orders will be deemed to include all German and Italian Republican naval or para-naval forces or organisations under the command or control of the German Naval Commander, South or the German Commander-in-Chief, South-West.

(b) The term "German Authority" wherever used in these orders will mean the German Naval Commander, South, and the German Commander-in-Chief, South-West, both severally and jointly.

2. The term "Supreme Allied Commander" will be deemed to include all his subordinate commanders.

* Until such time as this responsibility is taken over by Allied troops, e.g. until German troops become prisoners of war, German commissioned officers and military police (Felder gendarmerie and Geheimfeldpolizei) will retain their hand weapons.

3. The German Authority will cause:—

(a) All such surface warships, auxiliaries and merchant vessels as are under his command or control, at sea at the time and date of surrender, wherever they may be, to return to their normal port or base. Armaments of these ships are to be trained fore and aft.

(b) All ocean-going U-boats at sea to surface and fly a black flag or black pendant by day and to remain undarkened by nights and show navigation lights. All ocean-going U-boats at sea to be ordered to proceed to Gibraltar, reporting on 500 kilocycles to the nearest Allied wireless station their estimated time of arrival at Europa Point. Small enemy submarines at sea in the Adriatic or Ligurian Seas are to be ordered to return to Pola or Genoa respectively.

(c) All such warships, including submarines of all types, auxiliaries, and merchant vessels as are under his command or control, which are in harbour, to remain there.

(d) All ships and vessels of the United Nations, whether or not title has been transferred as the result of prize court or other proceedings, which are at the disposal of or under German control at the time of surrender, to proceed at the dates and to the ports or bases specified by the Supreme Allied Commander's representatives.

4. The German Authority will at once cause all such warships, surface or submarine, auxiliaries, merchant ships and other craft in harbour, as are under his command or control, to comply with the following orders:—

(a) No ship, vessel or craft of any description including harbour craft, whether afloat, under repair or construction, built or building, is to be damaged or scuttled, nor is any damage to be done to its hull, machinery or equipment.

(b) Ammunition is to be retained on board until further orders.

(c) Armaments are to be rendered inoperative by removal of essential portions of the firing mechanisms, but such mechanisms, and the armament in general are not to be damaged or destroyed. Fire control equipment is to be maintained on board fully efficient. All weapons are to be trained fore and aft.

(d) All small arms are to be landed, and safeguarded.

(e) Ships are to remain undarkened by night.

(f) Colours are to be struck and not rehoisted.

(g) With the exception of minesweepers and harbour tugs and vessels, all warships, surface and submarine, and auxiliaries, are to be reduced to 20 per cent of their complement of officers and men, except such ships or craft as are required to remain in operation to comply with the instructions in paragraph 7 (h) (1). The officers and men removed are to be placed in shore barracks where they are to remain under naval discipline. The crews of merchant vessels are to remain on board their ships.

(h) Minesweepers are to be subjected to the degree of disarmament prescribed in sub-paragraph (c) above, but are to be prepared immediately for mine-sweeping service under the orders of the Supreme Allied Commander's representatives, and are to be complete with fuel.

(i) Wireless transmitting apparatus is to be rendered inoperative by removal of essential parts, but no wireless apparatus is to be damaged or destroyed.

(j) All callsign, code and cypher systems, including books, documents, files and cryptographic machinery, are to be removed from ships and placed under guard ashore. International code and callsigns are to be retained on board.

5. The German Authority will cause all such warships, surface or submarine, auxiliaries, merchant ships and other craft at sea as are under his command or control to be instructed to comply with the orders in paragraph 4 above immediately on return to harbour.

6. The German Authority will immediately ensure that German naval aircraft under his command or control:—

(a) Do not leave the ground or base or ship until further orders are received from the Supreme Allied Commander's representatives.

(b) Already in the air, land or alight forthwith.

7. The German Authority will immediately take action to ensure compliance with the following orders:—

(a) No demolitions are to be carried out to harbour or port facilities of whatever nature; to naval establishments ashore; to scientific or experimental centres or laboratories; to tele-communication and radar stations; to power and water installations; to stores and industrial equipment; to documents, records and archives of naval interest; which are to be preserved and kept free from damage or destruction pending receipt of further orders from the Supreme Allied Commander's representatives; All necessary steps are to be taken, and orders issued, to prohibit any act of sabotage, scuttling or contamination of fuels.

(b) All boom defences at all ports and harbours are to be opened and kept open at all times. Where possible, they are to be removed.

(c) All controlled minefields at all ports and harbours are to be disconnected and rendered ineffective.

(d) All demolition charges in all ports and harbour works are to be removed or rendered ineffective, and their presence indicated by appropriate signs.

(e) The existing wartime system of navigational lighting is to be maintained except that all dimmed lights are to be shown at full brilliancy, and lights shown only by special arrangement are to be exhibited continuously. Navigational lights which have been extinguished are to be exhibited as soon as possible with their former characteristics if practicable.

(f) All pilotage services are to continue to operate and all pilots are to be held at their normal stations ready for service and equipped with charts.

(g) All small arms, explosives, and war-like stores, in naval barracks and shore establishments, are to be placed in magazines, under guard.

(h) (1) German naval and other personnel concerned in the operation of ports and administrative services in ports are to remain at their stations and to continue to carry out their routine duties.

(2) German and German-controlled naval personnel employed seaward defence are to comply with the instructions given by the Supreme Allied Commander.

(3) A general order is to be given to all German and German-controlled naval and para-naval personnel that they are to carry out all orders and instructions given them by the Supreme Allied Commander. All personnel are to be unarmed at all times.

(i) A certificate that the required under sub-paragraphs (c), (d) and (e) above has been carried out, is to be rendered by the German Authority to the Supreme Allied Commander's representatives.

8. (a) Sufficient information is required immediately to enable rapid entry to be made into the ports of Venice and Chioggia. This information is to be delivered by the German Authority to the Allied Naval Authorities at the date and time at which the surrender becomes effective and by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender.

(b) For each of the above ports the following details are therefore required:

(1) Limits, types and laid depths of all minefields in the approaches, and the positions, types and laid depths of all mines in the harbours themselves.

(2) Positions of obstructions dangerous to navigation inside the harbours and in their approaches.

(3) The safe routes, if any, leading into these harbours. If no safe routes exist to the harbours themselves, then details of the routes to the nearest suitable beach in each case are required.

9. The German Authority is forthwith to furnish the Allied Naval Commander-in-Chief with certain information in respect of the undermentioned two special areas and subsequently of the whole of the Mediterranean and the Straits of Gibraltar. This information is to be delivered to the Allied Naval Authorities by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender. The two special areas concerned are:

Ligurian Sea. Area bounded on the west by meridian of 8° E. South by parallel of $43^{\circ} 30$ N. East and north by the coast of Italy.

Adriatic Sea. Area bounded on the north, east and west by the coasts of Italy, Istria and Jugoslavia. On the south by parallel of 44° N.

The information concerned is:—

(a) Positions of all minefields, both moored and ground mines, independent and controlled, laid by the Italians or Germans, by all types of minelaying craft including aircraft. Details of each mine or group of mines laid is to include:—

(1) Type of mine.

(2) Number of mines laid.

(3) Spaces between mines.

(4) Depth setting.

(5) Date laid.

(6) Number and type of anti-sweeping devices laid.

(7) Types of anti-sweeping devices, if any, including chain moorings, fitted to the mines themselves.

(8) If snag lines have been fitted to mines.

(9) Polarity, delay, and number of actuations set on all ground mines.

(10) Details of the mines themselves, including drawings and photographs of all types of mines and mine-fittings.

(b) Details of convoy routes, searched channels and approach channels.

(c) Details of—

(1) Navigational lights which have been destroyed.

(2) Navigational lights which are in operation, giving details of operation, and by whom controlled.

(3) Navigational lights which can be put into operation at short notice and their characteristics.

(d) Details of buoys, indicating:

(1) Buoys remaining in place. If light buoys whether light is working and its characteristics.

(2) Additional buoys laid, with reason for laying and details including lights, if any.

(3) Buoys removed.

(e) Details of booms and obstructions, including wrecks dangerous to navigation.

(f) Details of all radio and radar navigational aids including all shore radar stations which could be used for this purpose.

(g) A complete and up-to-date set of charts corrected to the latest information available, and showing all minefields, convoy routes, searched channels, approach channels, buoys, lights, navigational aids, booms, wrecks, obstructions and radar stations.

(h) A complete and up-to-date set of navigational publications corrected to the latest information available.

10. Pilots equipped as in paragraph 7f, and in addition, provided with the information required by paragraph 8b, are to be stationed at suitable rendezvous, at the time and date at which surrender becomes effective, in readiness to meet and lead-in Allied warships to the ports of Trieste, Venice and Pola. These rendezvous are to be communicated to the Allied Naval Authorities by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender.

11. The German Authority is to send to the Headquarters of the Commander-in-Chief, Mediterranean, at Caserta, forthwith upon the surrender becoming effective, a Senior German Naval Officer from his staff. This officer is to be granted full executive powers by the German Authority to act on his behalf in conformity with any orders and instructions given him by the Commander-in-Chief, Mediterranean, or his representatives.

The route and method by which this officer is to present himself at the Headquarters of the Commander-in-Chief, Mediterranean, will be notified to the German Authority at the meeting held prior to the signing of the Instrument of Surrender.

12. The German Authority is to furnish forthwith, exact information with regard to the disposition of German and German controlled naval formations and units under his command. Such information is to include the following:

(a) Present locations of all Naval Staffs and Headquarters.

(b) Full details of organisation of German Naval Command in the Mediterranean.

(c) Disposition, state of readiness, and crew lists of all warships, auxiliaries and merchant shipping.

(d) Details of defence plans, including plans and drawings of all naval fortifications, installations and establishments.

(e) Detailed lists of fuel stocks including furnaces, Diesel, petrol and coal.

13. The German Authority will cause all Naval Shore Wireless Stations under his command to comply with the following orders:

(a) All wireless transmitting apparatus is to be rendered inoperative by removal of essential parts, but no wireless apparatus or shore station equipment is to be damaged or destroyed.

(b) All callsign, code and cypher systems, including books, documents, files and cryptographic machinery, are to be safely stored and guarded.

14. Detailed directions as to how and where the information required by the foregoing paragraphs 8, 9 and 10 is to be delivered to the Allied Naval Authorities will be notified separately to the German Authority.

15. The German Authority will, pending further orders from the Supreme Allied Commander, maintain his own forces from his own resources.

APPENDIX "C"

ORDERS FOR THE GERMAN AND GERMAN-CONTROLLED AIR FORCES

1. The German Commander-in-Chief, Southwest, hereinafter referred to as the "German Authority", is hereby held responsible for the execution of the following orders.

2. The German Authority will forthwith cause all aircraft of any kind or nationality, whether military, naval or civil, under the control of the German Authority, or operating in or over the area he controls, to alight at once and remain on the ground, on the water, or aboard ship pending further instructions from the Supreme Allied Commander. The term aircraft includes gliders and balloons.

3. All German or German-controlled aircraft in the air will be treated as hostile.

4. The German Authority will prevent sabotage or destruction of any equipment or installations, and will maintain all airfields in readiness for instant use by the Allied Air Forces.

5. All aircraft will be cleared of runways and parked in recognized dispersal areas.

6. All aircraft will be disarmed and all wireless equipment rendered inoperative without damage. The guns, bombs, pyrotechnics, ammunition and wireless equipment will be stored under guard in the appropriate storehouses or hangars.

7. All aircraft will be immobilized by removing the elevators, disconnecting the fuel and oil supply (to each engine, in the case of twin or multi-engined aircraft) and draining all fuel and oil tanks into suitable containers.

8. All aircraft together with the removed elevators, fuel and oil, spare parts, hangars, storehouses, airfield administrative and living accommodation, general airfield equipment, including lighting installations, will be safeguarded intact.

9. The German Authority will send forthwith upon the surrender becoming effective, to the Headquarters of the Air Commander-in-Chief, M.A.A.F., at Caserta, a Senior German Air Force officer from his staff. This officer will be granted full executive powers by the German Authority to act on his behalf in conformity with any orders and instructions given him by the Air Commander-in-Chief, M.A.A.F., or his representatives.

The route and method by which his officer is to present himself at the Headquarters of the Air Commander-in-Chief, M.A.A.F., is to be notified to the German Authority at the meeting held prior to the signing of the Instrument of Surrender.

10. The German Authority will forthwith furnish to the Supreme Allied Commander complete information regarding German and German-controlled Air Forces and, in particular, such details as the Supreme Allied Commander may require concerning the numbers, units, locations, dispositions, stores and equipment of the German and German-controlled Air Forces wherever located.

11. Balloons.

All balloons will be hauled down, deflated, packed and safeguarded intact. Fuel pumps and carburettors will be removed from all winch motors and safeguarded.

12. Explosives.

Information concerning all booby-traps, mines and other explosive devices on and in the vicinity of the airfields will be furnished immediately on demand to the responsible local Allied authorities. All explosives, including bombs, will be rendered safe by the removal of fuzes and detonators.

13. All self-destroying devices, whether in aircraft, signals equipment or in any Luftwaffe equipment or installation will be removed.

14. Personnel.

All personnel of the Luftwaffe and associated air forces will be disarmed and will remain in their camps or at assigned sites until directed otherwise by the representatives of the local Allied Commander. The orders or instructions of any representative of the local Allied Commander will be obeyed.

15. Motor Transport.

All transport tracked or wheeled, will be collected together and maintained in good condition in recognised M.T. parking areas under guard.

16. Fuel and Oil.

Fuel and oil supplies and installations of all types will be safeguarded and handed over to the local Allied Authorities without contamination.

17. Anti-Aircraft.

All anti-aircraft guns, heavy and light, under control of the Luftwaffe will be rendered inoperative by the removal of an essential part of the fire mechanism. The whole equipment will be safeguarded intact.

18. All parts removed from A.A., under paragraph 17 above, will be properly prepared for storage, labelled with the number of the appropriate gun, segregated from guns, and safeguarded intact.

Any spare parts for A.A. guns held at Luftwaffe units will be segregated from guns and safeguarded intact.

19. Fire Control Equipment.

Instruments, directors and computors, including radar and all fire control equipment, will be concentrated and stored intact.

20. Searchlights.

All carbon rods will be removed from the projectors. The fuel pumps will be removed from the generators. The carbons and fuel pumps together with all carbon and fuel-pump spares will be stored and safeguarded intact.

21. Small Arms.

All small arms will be collected and safeguarded intact.

22. Gas Bombs and Equipment.

Normal precautions will be taken against leakage of gas from any gas bombs.

All gas equipment and decontamination material will be preserved and handed over to the Allied representatives on demand.

Gas spray containers will be collected and guarded, and where such containers are filled with gas, the normal precautions will be taken against leakage.

23. Flying-Bombs.

All stocks of flying-bombs will be immobilised by the removal of fuses, detonators, and fuel pumps. The items so removed will be segregated from flying-bombs, concentrated and safeguarded intact, and all flying-bombs and their equipment, spares and launching sites and facilities will be safeguarded intact.

24. Rocket-Propelled Weapons.

All weapons and projectiles propelled by rockets or similar devices will be immobilised by the removal and segregation of essential parts of the mechanism. The parts so removed will be segregated from such weapons and projectiles, concentrated, and guarded, and the weapons and projectiles, their equipment, spares, launching sites and facilities will be safeguarded intact.

25. Signals Equipment.

(a) In addition to the requirements of paragraph 6 above, all communications equipment used for code, voice, teletype or other electrical transmission will be rendered inoperative without damage and safeguarded.

(b) All ground and airborne electronic transmitters and receivers of whatever nature or design, whether used for air warning, tracking, identification or flying control will be rendered inoperative without damage and safeguarded.

26. Call and Code Signs.

All call and code sign systems used by Germany and/or her Allies in operating Luftwaffe telecommunication systems will be withdrawn from use, and all documents and/or associated coding devices will be stored and safeguarded intact.

27. Code and Cyphers.

All code and cyphers systems, including books, documents and cypher machinery, employed by the Luftwaffe will be withdrawn from use, stored and safeguarded intact.

28. Secrecy Equipment.

All forms of scrambling and secrecy equipment in use on any Luftwaffe telecommunication system will be disconnected and safeguarded intact.

29. All other Luftwaffe equipment, including that in experimental stations and laboratories, military or civilian, photographic equipment, furniture, will be preserved intact and maintained in good condition. Special care will be taken to ensure the preservation of all documents, including technical manuals, files, plans, maps, card indices, identity documents.

30. Maintenance of Luftwaffe.

The German Authority will, pending further order from the Supreme Allied Commander, maintain its own forces from its own resources.

II

INSTRUMENT OF SURRENDER OF ALL GERMAN ARMED FORCES IN HOLLAND, IN NORTHWEST GERMANY INCLUDING ALL ISLANDS, AND IN DENMARK, SIGNED ON 4th MAY, 1945.

1. The German Command agrees to the surrender of all German armed forces in HOLLAND, in northwest GERMANY including the FRISIAN ISLANDS and HELIGOLAND and all other islands, in SCHLESWIG-HOLSTEIN, and in DENMARK, to the C.-in-C. 21 Army Group. This to include all naval ships in these areas. These forces to lay down their arms and to surrender unconditionally.
2. All hostilities on land, on sea, or in the air by German forces in the above areas to cease at 0800 hrs. British Double Summer Time on Saturday 5 May 1945.
3. The German command to carry out at once, and without argument or comment, all further orders that will be issued by the Allied Powers on any subject.
4. Disobedience of orders, or failure to comply with them, will be regarded as a breach of these surrender terms and will be dealt with by the Allied Powers in accordance with the accepted laws and usages of war.
5. This instrument of surrender is independent of, without prejudice to, and will be superseded by any general instrument of surrender imposed by or on behalf of the Allied Powers and applicable to Germany and the German armed forces as a whole.
6. This instrument of surrender is written in English and in German. The English version is the authentic text.
7. The decision of the Allied Powers will be final if any doubt or dispute arises as to the meaning or interpretation of the surrender terms.

B. L. MONTGOMERY
Field-Marshal

4 May 1945
1830 hrs.

FRIEDEBURG.
KINSEL.
G. WAGNER.
POLECK.
FRIEDEL.

III

ACT OF MILITARY SURRENDER SIGNED BY GENERAL OBERST JODL IN RHEIMS ON 7th MAY, 1945.

1. We the undersigned, acting by authority of the German High Command, hereby surrender unconditionally to the Supreme Commander, Allied Expeditionary Force and simultaneously to the Soviet High Command all forces on land, sea, and in the air who are at this date under German control.

2. The German High Command will at once issue orders to all German military, naval and air authorities and to all forces under German control to cease active operations at 2301 hours Central European time on the 8th May and to remain in the positions occupied at that time. No ship, vessel, or aircraft is to be scuttled, or any damage done to their hull, machinery or equipment.

3. The German High Command will at once issue to the appropriate commanders, and ensure the carrying out of any further orders issued by the Supreme Commander, Allied Expeditionary Force and by the Soviet High Command.

4. This act of military surrender is without prejudice to, and will be superseded by any general instrument of surrender imposed by, or on behalf of the United Nations and applicable to Germany and the German armed forces as a whole.

5. In the event of the German High Command or any of the forces under their control failing to act in accordance with this Act of Surrender, the Supreme Commander, Allied Expeditionary Force and the Soviet High Command will take such punitive or other action as they deem appropriate.

Signed at Rheims, France, at 0241 on the 7th day of May, 1945.

On behalf of the German High Command.

JODL.

In the presence of:

On behalf of the Supreme Commander, Allied Expeditionary Force.

W. B. SMITH.

F. SEVEZ,
Major-General, French Army
(Witness).

On behalf of the Soviet High Command.

SUSLOPAROFF.

IV

**UNDERTAKING GIVEN BY CERTAIN GERMAN EMISSARIES TO THE
ALLIED HIGH COMMANDS, SIGNED BY GENERAL OBERST JODL
IN RHEIMS ON 7th MAY, 1945.**

It is agreed by the German emissary undersigned that the following German officers will arrive at a place and time designated by the Supreme Commander, Allied Expeditionary Force, and the Soviet High Command, prepared, with plenary powers, to execute a formal ratification on behalf of the German High Command of this act of Unconditional Surrender of the German armed forces:—

Chief of the High Command.
Commander-in-Chief of the Army,
Commander-in-Chief of the Navy,
Commander-in-Chief of the Air Forces.

Signed:
JODL,
Representing the German High Command.

Dated 0241, 7th May, 1945,
Rheims, France.

ACT OF MILITARY SURRENDER SIGNED BY GENERAL FIELD-MARSHAL KEITEL, GENERAL ADMIRAL VON FRIEDEBURG AND GENERAL OBERST STUMPF IN BERLIN ON THE 8th MAY, 1945.

1. We the undersigned, acting by authority of the German High Command, hereby surrender unconditionally to the Supreme Commander, Allied Expeditionary Force and simultaneously to the Supreme High Command of the Red Army all forces on land, at sea, and in the air who are at this date under German control.

2. The German High Command will at once issue orders to all German military, naval and air authorities and to all forces under German control to cease active operations at 2301 hours Central European time on 8th May, 1945, to remain in the positions occupied at that time and to disarm completely, handing over their weapons and equipment to the local allied commanders or officers designated by Representatives of the Allied Supreme Commands. No ship, vessel, or aircraft is to be scuttled, or any damage done to their hull, machinery or equipment, and also to machines of all kinds, armament, apparatus, and all the technical means of prosecution of war in general.

3. The German High Command will at once issue to the appropriate commanders, and ensure the carrying out of any further orders issued by the Supreme Commander, Allied Expeditionary Force and by the Supreme High Command of the Red Army.

4. This act of military surrender is without prejudice to, and will be superseded by any general instrument of surrender imposed by, or on behalf of the United Nations and applicable to Germany and the German armed forces as a whole.

5. In the event of the German High Command or any of the forces under their control failing to act in accordance with this Act of Surrender, the Supreme Commander, Allied Expeditionary Force and the Supreme High Command of the Red Army will take such punitive or other action as they deem appropriate.

6. This Act is drawn up in the English, Russian and German languages. The English and Russian are the only authentic texts.

Signed at Berlin on the 8th day of May, 1945.

VON FRIEDEBURG.

KEITEL.

STUMPF.

On behalf of the German High Command.

In the presence of:

A. W. TEDDER.

On behalf of the Supreme High Command of the Red Army.

On behalf of the Supreme Commander, Allied Expeditionary Force.

ZHUKOV.

At the signing also were present as witnesses:

F. DE LATTRE DE TASSIGNY,
General Commanding in Chief
First French Army.

CARL SPAATZ,
General Command United States
Strategic Air Forces.

CANADA

TREATY SERIES, 1945
No. 16

DECLARATION AND OTHER DOCUMENTS

REGARDING

THE DEFEAT OF GERMANY
AND THE ASSUMPTION OF SUPREME
AUTHORITY
WITH RESPECT TO GERMANY

BY THE

GOVERNMENTS OF THE UNITED KINGDOM,
THE UNITED STATES OF AMERICA
AND THE UNION OF SOVIET SOCIALIST REPUBLICS,
AND THE PROVISIONAL GOVERNMENT OF
THE FRENCH REPUBLIC

Signed at Berlin, June 5, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
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DECLARATION AND OTHER DOCUMENTS REGARDING THE DEFEAT OF GERMANY AND THE ASSUMPTION OF SUPREME AUTHORITY WITH RESPECT TO GERMANY BY THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC.

Signed at Berlin on the 5th June, 1945

I

DECLARATION*

The German armed forces on land, at sea and in the air have been completely defeated and have surrendered unconditionally and Germany, which bears responsibility for the war, is no longer capable of resisting the will of the victorious Powers. The unconditional surrender of Germany has thereby been effected, and Germany has become subject to such requirements as may now or hereafter be imposed upon her.

There is no central Government or authority in Germany capable of accepting responsibility for the maintenance of order, the administration of the country and compliance with the requirement of the victorious Powers.

It is in these circumstances necessary, without prejudice to any subsequent decisions that may be taken respecting Germany, to make provision for the cessation of any further hostilities on the part of the German armed forces, for the maintenance of order in Germany and for the administration of the country, and to announce the immediate requirements with which Germany must comply.

The Representatives of the Supreme Commands of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the French Republic, hereinafter called the "Allied Representatives," acting by authority of their respective Governments and in the interests of the United Nations, accordingly make the following Declaration:—

The Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, and the Provisional Government of the French Republic, hereby assume supreme authority with respect to Germany, including all the powers possessed by the German Government, the High Command and any state, municipal, or local government or authority. The assumption, for the purposes stated above, of the said authority and powers does not effect the annexation of Germany.

The Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, and the Provisional Government of the French Republic, will hereafter determine the boundaries of Germany or any part thereof and the status of Germany or of any area at present being part of German territory.

In virtue of the supreme authority and powers thus assumed by the four Governments, the Allied Representatives announce the following requirements arising from the complete defeat and unconditional surrender of Germany with which Germany must comply:—

Article 1

Germany, and all German military, naval and air authorities and all forces under German control shall immediately cease hostilities in all theatres of war against the forces of the United Nations on land, at sea and in the air.

* The Canadian Government has been consulted on this Declaration and has expressed its agreement.

Article 2

(a) All armed forces of Germany or under German control, wherever they may be situated, including land, air, anti-aircraft and naval forces, the S.S., S.A. and Gestapo, and all other forces or auxiliary organizations equipped with weapons, shall be completely disarmed, handing over their weapons and equipment to local Allied Commanders or to officers designated by the Allied Representatives.

(b) The personnel of the formations and units of all the forces referred to in paragraph (a) above shall, at the discretion of the Commander-in-Chief of the Armed Forces of the Allied State concerned, be declared to be prisoners of war, pending further decisions, and shall be subject to such conditions and directions as may be prescribed by the respective Allied Representatives.

(c) All forces referred to in paragraph (a) above, wherever they may be, will remain in their present positions pending instructions from the Allied Representatives.

(d) Evacuation by the said forces of all territories outside the frontiers of Germany as they existed on the 31st December, 1937, will proceed according to instructions to be given by the Allied Representatives.

(e) Detachments of civil police to be armed with small arms only, for the maintenance of order and for guard duties, will be designated by the Allied Representatives.

Article 3

(a) All aircraft of any kind or nationality in Germany or German-occupied or controlled territories or waters, military, naval or civil, other than aircraft in the service of the Allies, will remain on the ground, on the water or aboard ships pending further instruction.

(b) All German or German-controlled aircraft in or over territories or waters not occupied or controlled by Germany will proceed to Germany or to such other place or places as may be specified by the Allied Representatives.

Article 4

(a) All German or German-controlled naval vessels, surface and submarine auxiliary naval craft, and merchant and other shipping, wherever such vessels may be at the time of this Declaration, and all other merchant ships of whatever nationality in German ports, will remain in or proceed immediately to ports and bases as specified by the Allied Representatives. The crews of such vessels will remain on board pending further instructions.

(b) All ships and vessels of the United Nations, whether or not title has been transferred as the result of prize court or other proceedings, which are at the disposal of Germany or under German control at the time of this Declaration, will proceed at the dates and to the ports or bases specified by the Allied Representatives.

Article 5

(a) All or any of the following articles in the possession of the German armed forces or under German control or at German disposal will be held intact and in good condition at the disposal of the Allied Representatives, for such purposes and at such times and places as they may prescribe:—

(i) all arms, ammunition, explosives, military equipment, stores and supplies and other implements of war of all kinds and all other war material;

- (ii) all naval vessels of all classes, both surface and submarine, auxiliary naval craft and all merchant shipping, whether afloat, under repair or construction, built or building;
- (iii) all aircraft of all kinds, aviation and anti-aircraft equipment and devices;
- (iv) all transportation and communications facilities and equipment, by land, water or air;
- (v) all military installations and establishments, including airfields, seaplane bases, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments;
- (vi) all factories, plants, shops, research institutions, laboratories, testing stations, technical data, patents, plans, drawings and inventions, designed or intended to produce or to facilitate the production or use of the articles, materials and facilities referred to in sub-paragraphs (i), (ii), (iv) and (v) above or otherwise to further the conduct of war.

(b) At the demand of the Allied Representatives the following will be furnished:—

- (i) the labour, services and plant required for the maintenance or operation of any of the six categories mentioned in paragraph (a) above; and
- (ii) any information or records that may be required by the Allied Representatives in connection with the same.

(c) At the demand of the Allied Representatives all facilities will be provided for the movement of Allied troops and agencies, their equipment and supplies, on the railways, roads and other land communications or by sea, river or air. All means of transportation will be maintained in good order and repair, and the labour, services and plant necessary therefor will be furnished.

Article 6

(a) The German authorities will release to the Allied Representatives, in accordance with the procedure to be laid down by them, all prisoners of war at present in their power, belonging to the forces of the United Nations, and will furnish full lists of these persons, indicating the places of their detention in Germany or territory occupied by Germany. Pending the release of such prisoners of war, the German authorities and people will protect them in their persons and property and provide them with adequate food, clothing, shelter, medical attention and money in accordance with their rank or official position.

(b) The German authorities and people will in like manner provide for and release all other nationals of the United Nations who are confined, interned or otherwise under restraint, and all other persons who may be confined, interned or otherwise under restraint for political reasons or as a result of any Nazi action, law or regulation which discriminates on the ground of race, colour, creed, or political belief.

(c) The German authorities will, at the demand of the Allied Representatives, hand over control of places of detention to such officers as may be designated for the purpose by the Allied Representatives.

Article 7

The German authorities concerned will furnish to the Allied Representatives:—

(a) full information regarding the forces referred to in Article 2 (a), and, in particular, will furnish forthwith all information which the Allied Representatives may require concerning the numbers, locations and dispositions of such forces, whether located inside or outside Germany;

(b) complete and detailed information concerning mines, minefields and other obstacles to movement by land, sea or air, and the safety lanes in connection therewith. All such safety lanes will be kept open and clearly marked; all mines, minefields and other dangerous obstacles will as far as possible be rendered safe, and all aids to navigation will be reinstated. Unarmed German military and civilian personnel with the necessary equipment will be made available and utilized for the above purposes, and for the removal of mines, minefields and other obstacles as directed by the Allied Representatives.

Article 8

There shall be no destruction, removal, concealment, transfer or scuttling of, or damage to, any military, naval, air, shipping, port, industrial and other like property and facilities and all records and archives, wherever they may be situated, except as may be directed by the Allied Representatives.

Article 9

Pending the institution of control by the Allied Representatives over all means of communication, all radio and telecommunication installations and other forms of wire or wireless communications, whether ashore or afloat, under German Control, will cease transmission except as directed by the Allied Representatives.

Article 10

The forces, nationals, ships, aircraft, military equipment, and other property in Germany or in German control or service or at German disposal, of any other country at war with any of the Allies, will be subject to the provisions of this Declaration and of any proclamations, orders, ordinances or instructions issued thereunder.

Article 11

(a) The principal Nazi leaders as specified by the Allied Representatives, and all persons from time to time named or designated by rank, office or employment by the Allied Representatives as being suspected of having committed, ordered or abetted war crimes or analogous offences, will be apprehended and surrendered to the Allied Representatives.

(b) The same will apply in the case of any national of any of the United Nations who is alleged to have committed an offence against his national law, and who may at any time be named or designated by rank, office or employment by the Allied Representatives.

(c) The German authorities and people will comply with any instructions given by the Allied Representatives for the apprehension and surrender of such persons.

Article 12

The Allied Representatives will station forces and civil agencies in any or all parts of Germany as they may determine.

Article 13

(a) In the exercise of the supreme authority with respect to Germany assumed by the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, and the Provisional Government of the French Republic, the four Allied Governments will take such steps, including the complete disarmament and demilitarization of Germany, as they deem requisite for future peace and security.

(b) The Allied Representatives will impose on Germany additional political, administrative, economic, financial, military and other requirements arising from the complete defeat of Germany. The Allied Representatives, or persons or agencies duly designated to act on their authority, will issue proclamations, orders, ordinances and instructions for the purpose of laying down such additional requirements, and of giving effect to the other provisions of this Declaration. All German authorities and the German people shall carry out unconditionally the requirements of the Allied Representatives, and shall fully comply with all such proclamations, orders, ordinances and instructions.

Article 14

This Declaration enters into force and effect at the date and hour set forth below. In the event of failure on the part of the German authorities or people promptly and completely to fulfil their obligations hereby or hereafter imposed, the Allied Representatives will take whatever action may be deemed by them to be appropriate under the circumstances.

Article 15

This Declaration is drawn up in the English, Russian, French and German languages. The English, Russian and French are the only authentic texts.

5th June, 1945.

Berlin.

16-40 Hours.

Signed by the Allied Representatives:

B. MONTGOMERY, F.M.
DWIGHT D. EISENHOWER.
G. K. ZHUKOV.
F. DE LATTRE DE TASSIGNY.

STATEMENT BY THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC ON ZONES OF OCCUPATION IN GERMANY.

Germany, within her frontiers as they were on the 31st December, 1937, will, for the purposes of occupation, be divided into four zones, one to be allotted to each Powers as follows:—

an eastern zone to the Union of Soviet Socialist Republics;
a north-western zone to the United Kingdom;
a south-western zone to the United States of America;
a western zone to France.

The occupying forces in each zone will be under a Commander-in-Chief designated by the responsible Power. Each of the four Powers may, at its discretion, include, among the forces assigned to occupation duties under the command of its Commander-in-Chief, auxiliary contingents from the forces of any other Allied Power which has actively participated in military operations against Germany.

2. The area of "Greater Berlin" will be occupied by forces of each of the four Powers. An Inter-Allied Governing Authority (in Russian, Komendatura) consisting of four Commandants, appointed by their respective Commanders-in-Chief, will be established to direct jointly its administration.

5th June, 1945.

III

STATEMENT BY THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC ON CONTROL MACHINERY IN GERMANY.

In the period when Germany is carrying out the basic requirements of unconditional surrender, supreme authority in Germany will be exercised, on instructions from their Governments, by the British, United States, Soviet and French Commanders-in-Chief, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole. The four Commanders-in-Chief will together constitute the Control Council. Each Commander-in-Chief will be assisted by a Political Adviser.

2. The Control Council, whose decisions shall be unanimous, will ensure appropriate uniformity of action by the Commanders-in-Chief in their respective zones of occupation and will reach agreed decisions on the chief questions affecting Germany as a whole.

3. Under the Control Council, there will be a permanent Co-ordinating Committee composed of one representative of each of the four Commanders-in-Chief, and a Control Staff organized in the following Divisions (which are subject to adjustment in the light of experience):—

Military; Naval; Air; Transport; Political; Economic; Finance; Reparation, Deliveries and Restitution; Internal Affairs and Communications; Legal; Prisoners of War and Displaced Persons; Man-power.

There will be four heads of each Division, one designated by each Power. The staffs of the Divisions may include civilian as well as military personnel, and may also in special cases include nationals of other United Nations appointed in a personal capacity.

4. The functions of the Co-ordinating Committee and of the Control Staff will be to advise the Control Council, to carry out the Council's decisions and to transmit them to the appropriate German organs, and to supervise and control the day-to-day activities of the latter.

5. Liaison with the other United Nations Governments chiefly interested will be established through the appointment by such Governments of military missions (which may include civilian members) to the Control Council. These missions will have access through the appropriate channels to the organs of control.

6. United Nations organizations will, if admitted by the Control Council to operate in Germany, be subordinate to the Allied control machinery and answerable to it.

7. The administration of the "Greater Berlin" area will be directed by an Inter-Allied Governing Authority, which will operate under the general direction of the Control Council, and will consist of four Commandants, each of whom will serve in rotation as Chief Commandant. They will be assisted by a technical staff which will supervise and control the activities of the local German organs.

8. The arrangements outlined above will operate during the period of occupation following German surrender when Germany is carrying out the basic requirements of unconditional surrender. Arrangements for the subsequent period will be the subject of a separate agreement.

5th June, 1945.

IV

**STATEMENT BY THE GOVERNMENTS OF THE UNITED KINGDOM,
THE UNITED STATES OF AMERICA AND THE UNION OF
SOVIET SOCIALIST REPUBLICS, AND THE PROVISIONAL
GOVERNMENT OF THE FRENCH REPUBLIC ON CONSULTATION
WITH GOVERNMENTS OF OTHER UNITED NATIONS.**

By the Declaration regarding the defeat of Germany issued at Berlin on the 5th June, 1945, the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, and the Provisional Government of the French Republic have assumed supreme authority with respect to Germany. The Governments of the four Powers hereby announce that it is their intention to consult with the Governments of other United Nations in connection with the exercise of this authority.

5th June, 1945.

CANADA.

TREATY SERIES, 1945

No. 17

AGREEMENT FOR AIR SERVICES

BETWEEN

CANADA

AND

THE UNITED KINGDOM

Signed at Bermuda, December 21, 1945

In force December 21, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948



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1948



**AGREEMENT FOR AIR SERVICES
BETWEEN THE UNITED KINGDOM AND CANADA**

Signed at Bermuda, December 21, 1945

The Government of Great Britain and Northern Ireland and the Government of Canada, desiring to conclude an Agreement for the purpose of establishing direct air communications as soon as possible between the United Kingdom and Canada, agree as follows:—

Article 1

Each contracting party grants to the other contracting party, the rights specified in the Annex to this Agreement, for the purpose of the establishment of the air services therein described. Such services may be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

Article 2

(1) Each of the specified air services may be put into operation as soon as the contracting party to whom the rights have been granted has designated an airline for the specified route. The contracting party granting the rights shall, subject to paragraph (2) of this Article and to Article 7, be bound to grant without delay the appropriate operating permission to the airline concerned.

(2) The airline designated may be required to satisfy the competent air authorities of the contracting party granting the rights that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities to the operations of commercial airlines.

Article 3

The competent air authorities of the contracting parties shall exchange such periodic statements as they may agree relating to the traffic carried on their respective air services to, from and over the territory of the other party, including information concerning the origin and destination of this traffic.

Article 4

(1) The charges which either of the contracting parties may impose, or permit to be imposed, on the designated airline of the other contracting party for the use of airports and other facilities shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(2) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of one contracting party by, or on behalf of, the other contracting party or its designated airline and intended solely for use by the aircraft of the other contracting party shall be accorded with respect to customs duties, inspection fees or other charges imposed by the former contracting party treatment not less favourable than that granted to national airlines engaged in international air transport and the airline of the most favoured nation.

(3) Aircraft operated on the agreed services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the designated airline of one contracting party shall be exempt in

the territory of the other contracting party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory.

(4) Each contracting party shall grant equal treatment to its own airlines and those of the other contracting party in the application of its customs, immigration, quarantine and similar regulations and in the use of airports, airways and other facilities.

Article 5

Certificates of airworthiness, certificates of competency and licences of personnel issued or rendered valid by one contracting party and still in force shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory certificates of competency and licences granted to its own nationals by another State.

Article 6

(1) The laws and regulations of one contracting party relating to entry into or departure from its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft while within its territory, shall apply to aircraft of the designated airline of the other contracting party.

(2) The laws and regulations of one contracting party relating to the entry into or departure from its territory of passengers, crew or cargo of aircraft (such as regulations relating to entry, clearance, immigration, passports, customs and quarantine) shall be applicable to the passengers, crew or cargo of the aircraft of the designated airline of the other contracting party while in the territory of the first contracting party.

Article 7

Each contracting party reserves the right to withhold or revoke the rights specified in the Annex to this Agreement in any case in which it is not satisfied that substantial ownership and effective control of the designated airline of the other contracting party are vested in nationals of either contracting party, or in case of failure by the designated airline to comply with its laws and regulations as referred to in Article 6, or otherwise to fulfil the conditions under which the rights are granted in accordance with this Agreement.

Article 8

This Agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization set up under the Interim Agreement on International Civil Aviation done at Chicago on December 7, 1944.

Article 9

If either of the contracting parties considers it desirable to modify any provision or provisions of the Annex to this Agreement, such modification may be made by direct agreement between the competent air authorities of the contracting parties, confirmed by exchange of notes.

Article 10

Any dispute between the contracting parties relating to the interpretation or application of this Agreement or of the Annex thereto, shall be referred

for decision to the Interim Council in accordance with the provisions of Article III Section 6 (8) of the Interim Agreement on International Civil Aviation done at Chicago on December 7, 1944, unless the contracting parties agree to settle the dispute by referring to an arbitral tribunal appointed by agreement between them, or to some other person or body. The contracting parties undertake to comply with the decision given.

Article 11

When the Convention on International Civil Aviation signed at Chicago on December 7, 1944 comes into operation in respect of both the contracting parties, references in this Agreement to the Interim Agreement and the Interim Council shall be interpreted as references to the Convention and the Council. In the event of the conclusion of any other multilateral convention concerning air transport to which both contracting parties adhere, this Agreement shall be modified to conform with the provisions of such Convention.

Article 12

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. If such notice is given, this Agreement shall terminate twelve months after the date of its receipt by the other contracting party, unless the notice to terminate is withdrawn by agreement before the expiry of this period.

Article 13

This Agreement shall come into force on the date of signature.

In witness thereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

Signed at Bermuda on this twenty-first day of December, 1945.

WINSTER.
C. D. HOWE.

ANNEX

1. An airline designated by the Government of the United Kingdom may operate a return service originating in the United Kingdom and terminating in Canada and may take on and put down at Montreal, passengers, mail and cargo for and from the United Kingdom.

2. An airline designated by the Government of Canada may operate a return service originating in Canada and terminating in the United Kingdom and may take on and put down in the United Kingdom passengers, mail and cargo for and from Canada. Pending the provision of a London airport, the airline designated by the Government of Canada shall be granted alternative airport facilities in the United Kingdom, not less favourable than those accorded to the airline designated by the United Kingdom.

3. The route shall be:—

United Kingdom—Eire—Newfoundland—Montreal and the following alternatives:—

United Kingdom—Iceland—Newfoundland—Montreal.

United Kingdom—Lisbon—Azores—Bermuda—Montreal.

4. Trans-Canada Air Lines and British Overseas Airways Corporation shall, for the operation of these services, be deemed to be qualified to fulfil the conditions referred to in Article 2 para. (2) of this Agreement.

5. Each airline shall be entitled to operate the same capacity. On this Agreement coming into force the total capacity shall be sufficient to accommodate up to 350 passengers each week travelling in each direction and air mails and freight. Thereafter the capacity to be provided shall be discussed from time to time between the competent air authorities of the contracting parties and adjusted by agreement between them.

6. The frequencies of the services to be operated by the designated airlines of the contracting parties and the load factor to be adopted for determining the frequencies shall from time to time be agreed between the airlines of the contracting parties, subject to the approval of the competent air authorities of the contracting parties.

7. In order to meet seasonal fluctuations or unexpected traffic demands of a temporary character the designated airlines may, notwithstanding the provisions of paragraph 5 of this Annex, agree between them to such temporary increases of capacity for either airline or both airlines as are necessary to meet the traffic demand. Any such increases shall be reported forthwith to the competent air authorities who may confirm or modify them.

8. In so far as one of the contracting parties may not wish, permanently or temporarily, to operate, in full or in part, the capacity to which it is entitled under the preceding paragraphs, that contracting party may arrange with the other contracting party, under terms and conditions to be agreed between them for the designated airline of such other contracting party to operate additional capacity so as to maintain the full capacity agreed upon between them in accordance with the preceding paragraphs. It shall, however, be a condition of any such arrangement, that if the first contracting party should at any time decide to commence to operate or to increase the capacity of its services, within the total capacity to which it is entitled under paragraph 5

of the Annex, the airline of the other contracting party shall withdraw correspondingly some or all of the additional capacity which it had been operating.

9. Tariffs to be charged by the airlines shall, in the first instance, be agreed between them. Any tariffs so agreed will be subject to the approval of the contracting parties and, in the event of disagreement, settlement will be reached in accordance with the provisions of Article 10 of this Agreement.

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Canada - Extrinsic Order, 1945

(CANADA)

TREATY SERIES, 1945

No. 18

FINAL ACT

OF THE

UNITED NATIONS CONFERENCE FOR
THE ESTABLISHMENT OF AN EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANISATION

Held in London from the 1st to the 16th November, 1945

(With Related Documents)

RECUEIL DES TRAITS

N° 18

ACTE FINAL

DE LA

CONFÉRENCE DES NATIONS UNIES CHARGÉE
DE CONSTITUER UNE ORGANISATION POUR
L'ÉDUCATION, LA SCIENCE ET LA CULTURE

Tenue à Londres du 1er au 16 novembre 1945

(Et Documents Connexes)



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

Price: 25 cents.

CANADA

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ADDENDUM

Page 23, Article XV, ajouter le paragraphe ci-après:

“4. Le Gouvernement du Royaume-Uni notifiera à tous les Membres de l'Organisation des Nations Unies la réception de tous les instruments d'acceptation et la date à laquelle la Convention entrera en vigueur conformément au paragraphe précédent.”

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**FINAL ACT (AND RELATED DOCUMENTS) OF THE UNITED NATIONS
CONFERENCE FOR THE ESTABLISHMENT OF AN EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANISATION HELD IN
LONDON FROM THE 1st TO THE 16th NOVEMBER, 1945.**

I

FINAL ACT

The Conference for the Establishment of an Educational, Scientific and Cultural Organisation of the United Nations was convened by the Government of the United Kingdom in association with the Government of France. The invitations were sent out in accordance with the recommendation of the Conference of San Francisco and upon the request of the Conference of the Allied Ministers of Education, in order to promote the aims set out in Article I, Paragraph 3 of the Charter of the United Nations. The Conference met in London from the 1st to the 16th November, 1945.

The Governments of the following countries were represented at the Conference by Delegates and Advisers:

Argentine Republic	France	Peru
Australia	Greece	Philippines (The)
Belgium	Guatemala	Poland
Bolivia	Haiti	Saudi Arabia
Brazil	India	Syria
Canada	Iran	Turkey
Chile	Iraq	Union of South Africa
China	Lebanon	United Kingdom of Great
Colombia	Liberia	Britain and Northern
Cuba	Luxembourg	Ireland
Czecho-Slovakia	Mexico	United States of America
Denmark	Netherlands (The)	Uruguay
Dominican Republic	New Zealand	Venezuela (represented by
Ecuador	Nicaragua	an Observer)
El Salvador	Norway	Yugoslavia.
Egypt	Panama	

The following international organisations were also represented by Observers:

- International Labour Organisation
- League of Nations Secretariat
- League of Nations Committee on Intellectual Cooperation
- Pan-American Union
- United Nations Relief and Rehabilitation Administration (U.N.R.R.A.)
- International Bureau of Education.

The Conference had before it, and adopted as its basis of discussion a draft Constitution prepared by the Conference of Allied Ministers of Education. It likewise had before it a draft Constitution prepared by the French Government. A number of proposals put forward by other Governments and by various bodies and organisations were also before the Conference.

ACTE FINAL (ET DOCUMENTS CONNEXES) DE LA CONFÉRENCE DES NATIONS UNIES CHARGÉE DE CONSTITUER UNE ORGANISATION POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE TENUE À LONDRES DU 1er AU 16 NOVEMBRE 1945.

I

ACTE FINAL

La Conférence chargée de constituer une Organisation des Nations Unies pour l'Education, la Science et la Culture a été convoquée par le Gouvernement du Royaume-Uni conjointement avec le Gouvernement français. Les invitations ont été envoyées à la suite d'une recommandation de la Conférence de San Francisco et à la demande de la Conférence des Ministres Alliés de l'Education, en vue de réaliser les fins énoncées à l'Article 1, Paragraphe 3 de la Charte de l'Organisation des Nations Unies. La Conférence s'est réunie à Londres du 1er au 16 novembre 1945.

Les Gouvernements des pays ci-après étaient représentés à la Conférence par des délégués et conseillers:

Etats-Unis d'Amérique	El Salvador	Norvège
du Nord	France	Nouvelle-Zélande
République Argentine	Royaume-Uni de la	Panama
Australie	Grande-Bretagne et de	Pays-Bas
Belgique	l'Irlande du Nord	Pérou
Bolivie	Grèce	Philippines
Brésil	Guatemala	Pologne
Canada	Haïti	Arabie Saoudite
Chili	Inde	Union Sud-africaine
Chine	Irak	Syrie
Colombie	Iran	Tchécoslovaquie
Cuba	Liban	Turquie
Danemark	Libéria	Uruguay
République Dominicaine	Luxembourg	Venezuela (représenté par
Equateur	Mexique	un observateur)
Egypte	Nicaragua	Yougoslavie.

Les Organisations internationales suivantes étaient également représentées à la Conférence par des observateurs:

Organisation internationale du Travail.

Secrétariat de la Société des Nations.

Commission de coopération intellectuelle de la Société des Nations.

Institut international de coopération intellectuelle.

Union pan-américaine.

U.N.R.R.A.

Bureau international de l'Education.

La Conférence avait été saisie d'un projet de statut préparé par la Conférence des Ministres Alliés de l'Education et l'a adopté comme base de discussion. Elle était également saisie d'un projet présenté par le Gouvernement français. Un certain nombre de propositions émanant d'autres gouvernements et de diverses institutions et organisations ont en outre été soumises à la Conférence.

After consideration of these drafts and proposals the Conference drew up a Constitution establishing an Educational, Scientific and Cultural Organisation and an Instrument establishing a Preparatory Educational, Scientific and Cultural Commission. The Conference also adopted the following Resolution:—

“The seat of the United Nations Educational, Scientific and Cultural Organisation shall be in Paris.

“This Resolution shall not in any way affect the right of the General Conference to take decisions in regard to this matter by a two-thirds majority.”

IN FAITH WHEREOF, the undersigned have signed this Final Act.

DONE in London, the sixteenth day of November, 1945, in a single copy in the English and French languages, both texts being equally authentic. This copy shall be deposited in the archives of the Government of the United Kingdom, by whom certified copies will be sent to all the United Nations.

Argentine Republic	Guatemala
CONRADO TRAVERSO.	M. GALICH.
Australia	Haiti
H. S. WYNDHAM.	LÉON LALEAU.
Belgium	India
A. BUISERET.	JOHN SARGENT.
Bolivia	Iran
C. SALAMANCA.	A. A. HEKMAT.
Brazil	Iraq
MONIZ DE ARAGAO.	NAJI AL ASIL.
Canada	Lebanon
VINCENT MASSEY.	CAMILLE CHAMOUN.
Chile	Liberia
FRANCISCO WALKER LINARES.	J. W. PEARSON.
China	Luxembourg
HU SHIH.	A. ALS.
Colombia	Mexico
J. J. ARANGO.	J. T. BODET.
Cuba	The Netherlands
LUIS MARINO PÉREZ.	V. D. LEEUW.
Czecho-Slovakia	New Zealand
JAN OPOCENSKY.	ARNOLD E. CAMPBELL.
Denmark	Nicaragua
ALB. MICHELSSEN.	ERNESTO SELVA.
Dominican Republic	Norway
A. PASTORIZA.	NILS HJELMTVEIT.
Ecuador	Panama
ALB. PUIG.	E. A. MORALES.
El Salvador	Peru
—	E. LETTS.
Egypt	The Philippines
A. FATTAH AH. AMR.	MAXIMO M. KALAW.
France	Poland
RENÉ CASSIN.	BERNARD DRZEWIESKI.
Greece	Saudi Arabia
TH. AGHNIDES.	HAFIZ WAHBA.

Après avoir étudié ces projets et propositions, la Conférence a établi une Convention créant l'Organisation des Nations Unies pour l'Education, la Science et la Culture ainsi qu'un Arrangement provisoire instituant une Commission préparatoire pour l'Education, la Science et la Culture.

La Conférence a également adopté la résolution suivante:

“Le siège de l'Organisation des Nations Unies pour l'Education, la Science et la Culture est établi à Paris.

“Cette résolution n'affecte en aucune façon le pouvoir de la Conférence Générale de décider en cette matière, à la majorité des deux tiers.”

EN FOI DE QUOI, les soussignés ont signé l'Acte final.

FAIT à Londres, le seizième jour de novembre 1945, en un seul exemplaire dont les textes anglais et français feront également foi. Cet exemplaire sera déposé aux archives du Gouvernement du Royaume-Uni qui en communiquera des copies certifiées conformes aux gouvernements de toutes les Nations Unies.

République Argentine	Haïti
CONRADO TRAVERSO.	LÉON LALEAU.
Australie	Inde
H. S. WYNDHAM.	JOHN SARGENT.
Belgique	Iran
A. BUISSET.	A. A. HEKMAT.
Bolivie	Irak
C. SALAMANCA.	NAJI AL ASIL.
Brésil	Liban
MONIZ DE ARAGAO.	CAMILLE CHAMOUN.
Canada	Libéria
VINCENT MASSEY.	J. W. PEARSON.
Chili	Luxembourg
FRANCISCO WALKER LINARES.	A. ALS.
Chine	Mexique
HU SHIH.	J. T. BODET.
Colombie	Pays-Bas
J. J. ARANGO.	V. D. LEEUW.
Cuba	Nouvelle-Zélande
LUIS MARINO PÉREZ.	ARNOLD E. CAMPBELL.
Tchécoslovaquie	Nicaragua
JAN OPOCENSKY.	ERNESTO SELVA.
Danemark	Norvège
ALB. MICHELSEN.	NILS HJELMTVEIT.
République Dominicaine	Panama
A. PASTORIZA.	E. A. MORALES.
Equateur	Pérou
ALB. PUIG.	E. LETTS.
Egypte	Philippines
A. FATTAH AH. AMR.	MAXIMO M. KALAW.
France	Pologne
RENÉ CASSIN.	BERNARD DRZEWIESKI.
Grèce	El Salvador
TH. AGHNIDES.	—
Guatemala	Arabie Saoudite
M. GALICH.	HAFIZ WAHBA.

Syria	N. ARMANAZI.	United States of America	ARCHIBALD MACLEISH.
Turkey	YÜCEL.	Uruguay	R. E. MACEACHEN.
Union of South Africa	G. HEATON NICHOLLS.	Venezuela	A. RODRIGUEZ AZPURUA.
United Kingdom of Great Britain and Northern Ireland	ELLEN WILKINSON.	Yugoslavia	DR. LJUBO LEONTIC.

Syrie	Etats-Unis d'Amérique du Nord
N. ARMANAZI.	ARCHIBALD MACLEISH.
Turquie	Uruguay
YÜCEL.	R. E. MACEACHEN.
Union Sud-africaine	Venezuela
G. HEATON NICHOLLS.	A. RODRIGUEZ AZPURUA.
Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord	Yougoslavie
ELLEN WILKINSON.	DR. LJUBO LEONTIC.

II

CONSTITUTION OF THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANISATION

The Governments of the States parties to this Constitution on behalf of their peoples declare

that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

that ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

that the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;

that a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

For these reasons, the States parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives.

In consequence whereof they do hereby create the United Nations Educational, Scientific and Cultural Organisation for the purpose of advancing, through the educational, scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organisation was established and which its Charter proclaims.

ARTICLE I

Purposes and Functions

1. The purpose of the Organisation is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect of justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

II

CONVENTION

CRÉANT UNE ORGANISATION DES NATIONS UNIES
POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE

Les Gouvernements des Etats parties à la présente Convention déclarent que, les guerres prenant naissance dans l'esprit des hommes, c'est dans l'esprit des hommes que doivent être élevées les défenses de la **paix**;

que l'incompréhension mutuelle des peuples a toujours été, au cours de l'histoire, à l'origine de la suspicion et de la méfiance entre nations par où leurs désaccords ont trop souvent dégénéré en guerre;

que la grande et terrible guerre qui vient de finir a été rendue possible par le reniement de l'idéal démocratique de dignité, d'égalité et de respect de la personne humaine et par la volonté de lui substituer, en exploitant l'ignorance et le préjugé, le dogme de l'inégalité des races et des hommes;

que la dignité de l'homme exigeant la diffusion de la culture et l'éducation de tous en vue de la justice, de la liberté et de la paix, il y a là, pour toutes les nations, des devoirs sacrés à remplir dans un esprit de mutuelle assistance;

qu'une paix fondée sur les seuls accords économiques et politiques des Gouvernements ne saurait entraîner l'adhésion unanime, durable et sincère des peuples et que, par conséquent, cette paix doit être établie sur le fondement de la solidarité intellectuelle et morale de l'humanité.

Pour ces motifs les Etats signataires de cette Convention, résolus à assurer à tous le plein et égal accès à l'éducation, la libre poursuite de la vérité objective et le libre échange des idées et des connaissances, décident de développer et de multiplier les relations entre leurs peuples, en vue de se mieux comprendre et d'acquérir une connaissance plus précise et plus vraie de leurs coutumes respectives.

En conséquence ils créent par les présentes l'Organisation des Nations Unies pour l'Education, la Science et la Culture afin d'atteindre graduellement, par la coopération des Nations du monde dans les domaines de l'éducation, de la science et de la culture, les buts de paix internationale et de prospérité commune de l'humanité en vue desquels l'Organisation des Nations Unies a été constituée, et que sa Charte proclame.

ARTICLE I

Buts et Fonctions

1. L'Organisation se propose de contribuer au maintien de la paix et de la sécurité en resserrant, par l'éducation, la science et la culture, la collaboration entre nations, afin d'assurer le respect universel de la justice, de la loi, des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion, que la Charte des Nations Unies reconnaît à tous les peuples.

2. To realise this purpose the Organisation will:

- (a) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;
- (b) give fresh impulse to popular education and to the spread of culture, by collaborating with Members, at their request, in the development of educational activities; by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social; by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;
- (c) maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions; by encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information; by initiating methods of international cooperation calculated to give the people of all countries access to the printed and published materials produced by any of them.

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of this Organisation, the Organisation is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

ARTICLE II

Membership

1. Membership of the United Nations Organisation shall carry with it the right to membership of the United Nations Educational, Scientific and Cultural Organisation.

2. Subject to the conditions of the agreement between this Organisation and the United Nations Organisation, approved pursuant to Article X of this Constitution, States not members of the United Nations Organisation may be admitted to membership of the Organisation, upon recommendation of the Executive Board, by a two-thirds majority vote of the General Conference.

3. Members of the Organisation which are suspended from the exercise of the rights and privileges of membership of the United Nations Organisation shall, upon the request of the latter, be suspended from the rights and privileges of this Organisation.

4. Members of the Organisation which are expelled from the United Nations Organisation shall automatically cease to be members of this Organisation.

ARTICLE III

Organs

The Organisation shall include a General Conference, an Executive Board and a Secretariat.

2. A ces fins, l'Organisation:

(a) favorise la connaissance et la compréhension mutuelle des nations en prêtant son concours aux organes d'information des masses; elle recommande à cet effet tels accords internationaux qu'elle juge utiles pour faciliter la libre circulation des idées, par le mot et par l'image;

(b) imprime une impulsion vigoureuse à l'éducation populaire et à la diffusion de la culture:

en collaborant avec les Etats Membres qui le désirent pour les aider à développer leur action éducatrice;

en instituant la collaboration des nations afin de réaliser graduellement l'idéal d'une chance égale d'éducation pour tous, sans distinction de race, de sexe ni d'aucune condition économique ou sociale;

en suggérant des méthodes d'éducation convenables pour préparer les enfants du monde entier aux responsabilités de l'homme libre;

(c) aide au maintien, à l'avancement et à la diffusion du savoir:

en veillant à la conservation et protection du patrimoine universel de livres, d'œuvres d'art et d'autres monuments d'intérêt historique ou scientifique, et en recommandant aux peuples intéressés des conventions internationales à cet effet;

en encourageant la coopération entre nations dans toutes les branches de l'activité intellectuelle, l'échange international de représentants de l'éducation, de la science et de la culture ainsi que celui de publications, d'œuvres d'art, de matériel de laboratoire et de toute documentation utile;

en facilitant par des méthodes de coopération internationale appropriées l'accès de tous les peuples à ce que chacun d'eux publie.

3. Soucieuse d'assurer aux Etats membres de la présente Organisation l'indépendance, l'intégrité et la féconde diversité de leurs cultures et de leurs systèmes d'éducation, l'Organisation s'interdit d'intervenir en aucune matière relevant essentiellement de leur juridiction intérieure.

ARTICLE II

Membres

1. Les Etats membres de l'Organisation des Nations Unies possèdent le droit de faire partie de l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

2. Sous réserve des termes de l'accord à intervenir entre la présente Organisation et l'Organisation des Nations Unies, approuvé conformément à l'Article X de la présente Convention, les Etats non membres de l'Organisation des Nations Unies peuvent être admis comme membres de l'Organisation sur recommandation du Conseil Exécutif, par la Conférence Générale votant à la majorité des deux tiers.

3. Les Etats membres de l'Organisation suspendus de l'exercice de leurs droits et priviléges de membres de l'Organisation des Nations Unies, seront sur la demande de cette dernière suspendus des droits et priviléges inhérents à la qualité de membre.

4. Les Etats membres de l'Organisation cessent *ipso facto* d'en être membres s'ils sont exclus de l'Organisation des Nations Unies.

ARTICLE III

Organes

L'Organisation comprend une Conférence Générale, un Conseil Exécutif et un Secrétariat.

ARTICLE IV

*The General Conference**A. Composition.*

1. The General Conference shall consist of the representatives of the States Members of the Organisation. The Government of each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational, scientific and cultural bodies.

B. Functions.

2. The General Conference shall determine the policies and the main lines of work of the Organisation. It shall take decisions on programmes drawn up by the Executive Board.

3. The General Conference shall, when it deems it desirable, summon international conferences on education, the sciences and humanities and the dissemination of knowledge.

4. The General Conference shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the former case a majority vote shall suffice; in the latter case a two-thirds majority shall be required. Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted.

5. The General Conference shall advise the United Nations Organisation on the educational, scientific and cultural aspects of matters of concern to the latter, in accordance with the terms and procedure agreed upon between the appropriate authorities of the two Organisations.

6. The General Conference shall receive and consider the reports submitted periodically by Member States as provided by Article VIII.

7. The General Conference shall elect the members of the Executive Board and, on the recommendation of the Board, shall appoint the Director-General.

C. Voting.

8. Each Member State shall have one vote in the General Conference. Decisions shall be made by a simple majority except in cases in which a two-thirds majority is required by the provisions of this Constitution. A majority shall be a majority of the Members present and voting.

D. Procedure.

9. The General Conference shall meet annually in ordinary session; it may meet in extraordinary session on the call of the Executive Board. At each session the location of its next session shall be designated by the General Conference and shall vary from year to year.

10. The General Conference shall, at each session, elect a President and other officers and adopt rules of procedure.

11. The General Conference shall set up special and technical committees and such other subordinate bodies as may be necessary for its purposes.

12. The General Conference shall cause arrangements to be made for public access to meetings, subject to such regulations as it shall prescribe.

E. Observers.

13. The General Conference, on the recommendation of the Executive Board and by a two-thirds majority may, subject to its rules of procedure, invite as observers at specified sessions of the Conference or of its commissions representatives of international organisations, such as those referred to in Article XI, Paragraph 4.

ARTICLE IV

*La Conférence Générale**A. Composition.*

1. La Conférence Générale se compose des représentants des Etats membres de l'Organisation. Le Gouvernement de chaque Etat Membre nomme au plus cinq représentants choisis après consultation avec le Comité National, s'il en existe, ou avec les institutions et corps éducatifs, scientifiques et culturels.

B. Fonctions.

2. La Conférence Générale détermine l'orientation et la ligne de conduite générale de l'Organisation. Elle se prononce sur les programmes établis par le Conseil Exécutif.

3. La Conférence Générale convoque, s'il y a lieu, des conférences internationales sur l'éducation, les sciences, les humanités et la diffusion du savoir.

4. Quand elle se prononce pour l'adoption de projets à soumettre aux Etats Membres, la Conférence Générale doit distinguer entre les recommandations aux Etats Membres et les conventions internationales à ratifier par les Etats Membres. Dans le premier cas, la majorité simple suffit; dans le second, une majorité des deux tiers est requise. Chacun des Etats Membres soumettra les recommandations ou conventions aux autorités nationales compétentes dans le délai d'un an à partir de la clôture de la session de la Conférence Générale au cours de laquelle elles auront été adoptées.

5. La Conférence Générale conseille l'Organisation des Nations Unies sur les aspects éducatifs, scientifiques et culturels des questions intéressant les Nations Unies, dans les conditions et suivant la procédure qui auront été adoptées par les autorités compétentes des deux Organisations.

6. La Conférence Générale reçoit et examine les rapports qui lui sont soumis périodiquement par les Etats Membres, conformément à l'Article VIII.

7. La Conférence Générale élit les membres du Conseil Exécutif; elle nomme le Directeur Général sur présentation du Conseil Exécutif.

C. Vote.

8. Chaque Etat Membre dispose d'un voix à la Conférence Générale. Les décisions sont prises à la majorité simple, sauf dans les cas où les dispositions de la présente Convention exigent une majorité des deux tiers. Par majorité, il faut entendre la majorité des membres présents et votant.

D. Procédure.

9. La Conférence Générale se réunit chaque année en session ordinaire; elle peut se réunir en session extraordinaire sur convocation du Conseil Exécutif. Au cours de chaque session la Conférence fixe le siège de la session suivante; ce siège change chaque année.

10. La Conférence Générale, à chaque session, élit son président et son bureau et adopte son règlement intérieur.

11. La Conférence Générale crée les commissions tant spéciales que techniques et autres organismes subsidiaires qui peuvent être nécessaires à l'exécution de sa tâche.

12. Des dispositions seront prises pour que le public puisse assister aux délibérations, sous réserve des dispositions du règlement intérieur.

E. Observateurs.

13. La Conférence Générale, votant à la majorité des deux tiers, sur la recommandation du Conseil Exécutif, et sous réserve du règlement intérieur, peut inviter comme observateurs à des sessions déterminées de la Conférence ou de ses commissions, des représentants d'organisations internationales, notamment de celles qui sont visées à l'Article XI, Paragraphe 4.

ARTICLE V

*Executive Board**A. Composition.*

1. The Executive Board shall consist of eighteen members elected by the General Conference from among the delegates appointed by the Member States, together with the President of the Conference who shall sit *ex officio* in an advisory capacity.

2. In electing the members of the Executive Board the General Conference shall endeavour to include persons competent in the arts, the humanities, the sciences, education and the diffusion of ideas, and qualified by their experience and capacity to fulfil the administrative and executive duties of the Board. It shall also have regard to the diversity of cultures and a balanced geographical distribution. Not more than one national of any Member State shall serve on the Board at any one time, the President of the Conference excepted.

3. The elected members of the Executive Board shall serve for a term of three years, and shall be immediately eligible for a second term, but shall not serve consecutively for more than two terms. At the first election eighteen members shall be elected of whom one third shall retire at the end of the first year and one third at the end of the second year, the order of retirement being determined immediately after the election by the drawing of lots. Thereafter six members shall be elected each year.

4. In the event of the death or resignation of one of its members, the Executive Board shall appoint, from among the delegates of the Member State concerned, a substitute, who shall serve until the next session of the General Conference which shall elect a member for the remainder of the term.

B. Functions.

5. The Executive Board, acting under the authority of the General Conference, shall be responsible for the execution of the programme adopted by the Conference and shall prepare its agenda and programme of work.

6. The Executive Board shall recommend to the General Conference the admission of new members to the Organisation.

7. Subject to decisions of the General Conference, the Executive Board shall adopt its own rules of procedure. It shall elect its officers from among its members.

8. The Executive Board shall meet in regular session at least twice a year and may meet in special session if convoked by the Chairman on his own initiative or upon the request of six members of the Board.

9. The Chairman of the Executive Board shall present to the General Conference, with or without comment, the annual report of the Director-General on the activities of the Organisation, which shall have been previously submitted to the Board.

10. The Executive Board shall make all necessary arrangements to consult the representatives of international organisations or qualified persons concerned with questions within its competence.

11. The members of the Executive Board shall exercise the powers delegated to them by the General Conference on behalf of the Conference as a whole and not as representatives of their respective Governments.

ARTICLE V

Conseil Exécutif

A. Composition.

1. Le Conseil Exécutif est composé de dix huit membres élus par la Conférence Générale parmi les délégués nommés par les Etats Membres ainsi que du Président de la Conférence qui siège ès-qualité avec voix consultative.

2. En procédant à l'élection des membres du Conseil Exécutif, la Conférence Générale s'efforcera d'y faire figurer des personnalités compétentes dans le domaine des arts, des lettres, des sciences, de l'éducation et de la diffusion de la pensée, et ayant l'expérience et la compétence nécessaires pour remplir les fonctions administratives et exécutives qui incombent au Conseil. Elle tiendra compte également de la diversité des cultures et d'une répartition géographique équitable. Il ne pourra jamais y avoir en même temps au Conseil Exécutif plus d'un ressortissant d'un même Etat Membre, le Président de la Conférence n'en-tenant pas en compte.

3. Les membres élus du Conseil Exécutif conservent leurs fonctions pendant une durée de trois ans; ils sont immédiatement rééligibles pour un second mandat, mais ils ne peuvent siéger plus de deux termes consécutifs. A la première élection, dix huit membres seront élus parmi lesquels un tiers se retirera à l'expiration de la première année de mandat et un tiers à l'expiration de la deuxième, l'ordre de sortie étant déterminé par tirage au sort immédiatement après l'élection. Par la suite, six membres seront élus chaque année.

4. En cas de décès ou de démission d'un des membres, le Conseil Exécutif désigne parmi les délégués de l'Etat Membre intéressé, un suppléant qui siégera jusqu'à la plus prochaine session de la Conférence Générale, laquelle élira un titulaire pour la portion du mandat restant à courir.

B. Fonctions.

5. Le Conseil Exécutif, agissant sous l'autorité de la Conférence Générale, est responsable devant elle de l'exécution du programme adopté par la Conférence. Il prépare l'ordre du jour des réunions de la Conférence et le programme de travail qui est soumis à celle-ci.

6. Le Conseil Exécutif recommande à la Conférence Générale l'admission de nouveaux membres dans l'Organisation.

7. Sous réserve des décisions de la Conférence Générale, le Conseil Exécutif établit son règlement intérieur. Il élit, parmi ses membres, son bureau.

8. Le Conseil Exécutif se réunit en session ordinaire au moins deux fois par an; il peut se réunir en session extraordinaire sur convocation de son Président à l'initiative de celui-ci, ou à la demande de six membres du Conseil.

9. Le Président du Conseil Exécutif présente à la Conférence Générale, avec ou sans commentaires, le rapport annuel du Directeur Général sur l'activité de l'Organisation, préalablement soumis au Conseil.

10. Le Conseil Exécutif prend toutes dispositions utiles pour consulter les représentants des organismes internationaux ou les personnalités qualifiées qui s'occupent de questions relevant de sa compétence.

11. Les membres du Conseil Exécutif exercent les pouvoirs qui leur sont délégués par la Conférence Générale, au nom de la Conférence tout entière et non comme représentants de leurs gouvernements respectifs.

ARTICLE VI

Secretariat

1. The Secretariat shall consist of a Director-General and such staff as may be required.

2. The Director-General shall be nominated by the Executive Board and appointed by the General Conference for a period of six years, under such conditions as the Conference may approve, and shall be eligible for re-appointment. He shall be the chief administrative officer of the Organisation.

3. The Director-General, or a deputy designated by him, shall participate, without the right to vote, in all meetings of the General Conference, of the Executive Board, and of the committees of the Organisation. He shall formulate proposals for appropriate action by the Conference and the Board.

4. The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations to be approved by the General Conference. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointment to the staff shall be on as wide a geographical basis as possible.

5. The responsibilities of the Director-General and of the staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Organisation. They shall refrain from any action which might prejudice their position as international officials. Each State Member of the Organisation undertakes to respect the international character of the responsibilities of the Director-General and the staff, and not to seek to influence them in the discharge of their duties.

6. Nothing in this Article shall preclude the Organisation from entering into special arrangements within the United Nations Organisation for common services and staff and for the interchange of personnel.

ARTICLE VII

National Co-operating Bodies

1. Each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational, scientific and cultural matters with the work of the Organisation, preferably by the formation of a National Commission broadly representative of the Government and such bodies.

2. National Commissions or national co-operating bodies, where they exist, shall act in an advisory capacity to their respective delegations to the General Conference and to their Governments in matters relating to the Organisation and shall function as agencies of liaison in all matters of interest to it.

3. The Organisation may, on the request of a Member State, delegate, either temporarily or permanently, a member of its Secretariat to serve on the National Commission of that State, in order to assist in the development of its work.

ARTICLE VIII

Reports by Member States

Each Member State shall report periodically to the Organisation, in a manner to be determined by the General Conference, on its laws, regulations and statistics relating to educational, scientific and cultural life and institutions, and on the action taken upon the recommendations and conventions referred to in Article IV, Paragraph 4.

ARTICLE VI

Secrétariat

1. Le Secrétariat se compose d'un Directeur Général et du personnel reconnu nécessaire.

2. Le Directeur Général est proposé par le Conseil Exécutif et nommé par la Conférence Générale pour une période de six ans, aux conditions qui seront approuvées par la Conférence. Sa nomination est renouvelable. Le Directeur Général est le plus haut fonctionnaire de l'Organisation.

3. Le Directeur Général ou, à son défaut, le remplaçant qu'il aura désigné, prend part, sans droit de vote, à toutes les réunions de la Conférence Générale, du Conseil Exécutif et des commissions de l'Organisation. Il formule des propositions en vue des mesures à prendre par la Conférence et le Conseil.

4. Le Directeur Général nomme le personnel du Secrétariat conformément au statut du personnel qui devra être soumis à l'approbation de la Conférence Générale. Sous réserve de réunir les plus hautes qualités d'intégrité, d'efficacité et de compétence technique, le personnel devra être recruté sur une base géographique aussi large que possible.

5. Les responsabilités du Directeur Général et du personnel ont un caractère exclusivement international. Dans l'accomplissement de leurs devoirs, ils ne demanderont ni ne recevront d'instructions d'aucun Gouvernement ni d'aucune autorité étrangère à l'Organisation. Ils s'abstiendront de tout acte de nature à compromettre leur situation de fonctionnaires internationaux. Tous les Etats membres de l'Organisation s'engagent à respecter le caractère international des fonctions du Directeur Général et du personnel et à ne pas chercher à les influencer dans l'accomplissement de leur tâche.

6. Aucune des dispositions de cet Article ne saurait empêcher l'Organisation de passer, dans le cadre de l'Organisation des Nations Unies, des accords spéciaux pour la constitution de services communs et le recrutement de personnel commun ainsi que pour l'échange de personnel.

ARTICLE VII

Comités nationaux de coopération

1. Chaque Etat Membre prendra les dispositions appropriées à sa situation particulière pour associer aux travaux de l'Organisation les principaux groupes nationaux qui s'intéressent aux problèmes d'éducation, de recherche scientifique et de culture, de préférence en constituant une Commission nationale où seront représentés le Gouvernement et ces différents groupes.

2. Dans les pays où il en existe les Commissions nationales ou les organismes nationaux de coopération remplissant un rôle consultatif auprès de leur Délégation nationale à la Conférence Générale et auprès de leur Gouvernement pour tous les problèmes se rapportant à l'Organisation. Ils jouent le rôle d'organe de liaison pour toutes les questions qui intéressent l'Organisation.

3. Sur la demande d'un Etat Membre, l'Organisation peut déléguer, à titre temporaire ou permanent, auprès de la Commission Nationale de cet Etat, un membre de son Secrétariat pour collaborer aux travaux de cette Commission.

ARTICLE VIII

Présentation de rapports par les Etats Membres

Chaque Etat Membre adresse à l'Organisation un rapport périodique, sous la forme que déterminera la Conférence Générale, sur les lois, règlements et statistiques relatifs à ses institutions et à son activité dans l'ordre de l'éducation, de la science et de la culture ainsi que sur la suite donnée aux recommandations et conventions visées à l'Article IV, Paragraphe 4.

ARTICLE IX

Budget

1. The budget shall be administered by the Organisation.
2. The General Conference shall approve and give final effect to the budget and to the apportionment of financial responsibility among the States Members of the Organisation subject to such arrangement with the United Nations as may be provided in the agreement to be entered into pursuant to Article X.
3. The Director-General, with the approval of the Executive Board, may receive gifts, bequests, and subventions directly from governments, public and private institutions, associations and private persons.

ARTICLE X

Relations with the United Nations Organisation

This Organisation shall be brought into relation with the United Nations Organisation, as soon as practicable, as one of the specialised agencies referred to in Article 57 of the Charter of the United Nations. This relationship shall be effected through an agreement with the United Nations Organisation under Article 63 of the Charter, which agreement shall be subject to the approval of the General Conference of this Organisation. The agreement shall provide for effective co-operation between the two Organisations in the pursuit of their common purposes, and at the same time shall recognise the autonomy of this Organisation, within the fields of its competence as defined in this Constitution. Such agreement may, among other matters, provide for the approval and financing of the budget of the Organisation by the General Assembly of the United Nations.

ARTICLE XI

Relations with other specialised international organisations and agencies

1. This Organisation may co-operate with other specialised inter-governmental organisations and agencies whose interests and activities are related to its purposes. To this end the Director-General, acting under the general authority of the Executive Board, may establish effective working relationships with such organisations and agencies and establish such joint committees as may be necessary to assure effective co-operation. Any formal arrangements entered into with such organisations or agencies shall be subject to the approval of the Executive Board.

2. Whenever the General Conference of this Organisation and the competent authorities of any other specialised inter-governmental organisations or agencies whose purposes and functions lie within the competence of this Organisation, deem it desirable to effect a transfer of their resources and activities to this Organisation, the Director-General, subject to the approval of the Conference, may enter into mutually acceptable arrangements for this purpose.

3. This Organisation may make appropriate arrangements with other inter-governmental organisations for reciprocal representation at meetings.

4. The United Nations Educational, Scientific and Cultural Organisation may make suitable arrangements for consultation and co-operation with non-governmental international organisations concerned with matters within its competence, and may invite them to undertake specific tasks. Such co-operation may also include appropriate participation by representatives of such organisations on advisory committees set up by the General Conference.

ARTICLE IX

Budget

1. Le budget est administré par l'Organisation.

2. La Conférence Générale approuve définitivement le budget et fixe la participation financière de chacun des Etats Membres, sous réserve des dispositions qui pourront être prévues en cette matière par la convention conclue avec l'Organisation des Nations Unies conformément à l'Article X de la présente Convention.

3. Le Directeur Général peut, avec l'approbation du Conseil Exécutif, recevoir directement tous dons, legs et subventions provenant de Gouvernements, d'institutions publiques ou privées, d'associations ou de particuliers.

ARTICLE X

Relations avec l'Organisation des Nations Unies

L'Organisation sera reliée, dès que possible, à l'Organisation des Nations Unies. Elle en constituera l'une des institutions spécialisées prévues à l'Article 57 de la Charte des Nations Unies. Ces relations feront l'objet d'un accord avec l'Organisation des Nations Unies conformément aux dispositions de l'Article 63 de la Charte. Cet accord sera soumis, pour approbation, à la Conférence Générale de la présente Organisation. Il devra fournir les moyens d'établir une coopération effective entre les deux organisations, dans la poursuite de leurs fins communes. Il consacrera, en même temps, l'autonomie de l'Organisation dans le domaine de sa compétence particulière, tel qu'il est défini dans la présente Convention. Cet accord pourra notamment contenir toutes dispositions concernant l'approbation du budget et le financement de l'Organisation par l'Assemblée Générale des Nations Unies.

ARTICLE XI

Relations avec d'autres organisations et institutions internationales spécialisées

1. L'Organisation peut coopérer avec d'autres organisations et institutions intergouvernementales spécialisées, dont les tâches et activités sont en harmonie avec les siennes. A cet effet, le Directeur Général peut, sous la haute autorité du Conseil Exécutif, établir des relations effectives avec ces organisations et institutions et constituer les commissions mixtes jugées nécessaires pour assurer une coopération efficace. Tout accord passé avec ces organisations ou institutions spécialisées sera soumis à l'approbation du Conseil Exécutif.

2. Toutes les fois que la Conférence Générale et les autorités compétentes de toute autre organisation ou institution intergouvernementale spécialisée poursuivent des activités et des objectifs analogues, jugeront souhaitable de transférer à l'Organisation les ressources et fonctions de ladite organisation ou institution, le Directeur Général pourra, sous réserve de l'approbation de la Conférence, conclure, à la satisfaction des deux parties, les accords nécessaires.

3. L'Organisation peut, d'un commun accord avec d'autres organisations intergouvernementales, prendre des dispositions appropriées pour s'assurer une représentation à leurs réunions respectives.

4. L'Organisation des Nations Unies pour l'Education, la Science et la Culture peut prendre toutes dispositions utiles pour faciliter les consultations et assurer la coopération avec les organisations internationales privées s'occupant de questions qui entrent dans son domaine. Elle peut les inviter à entreprendre certaines tâches déterminées rentrant dans leur compétence. Cette coopération peut également prendre la forme d'une participation appropriée de représentants desdites organisations aux travaux de comités consultatifs créés par la Conférence Générale.

ARTICLE XII

Legal status of the Organisation

The provisions of Articles 104 and 105 of the Charter of the United Nations Organisation concerning the legal status of that Organisation, its privileges and immunities shall apply in the same way to this Organisation.

ARTICLE XIII

Amendments

1. Proposals for amendments to this Constitution shall become effective upon receiving the approval of the General Conference by a two-thirds majority; provided, however, that those amendments which involve fundamental alterations in the aims of the Organisation or new obligations for the Member States shall require subsequent acceptance on the part of two-thirds of the Member States before they come into force. The draft texts of proposed amendments shall be communicated by the Director-General to the Member States at least six months in advance of their consideration by the General Conference.

2. The General Conference shall have power to adopt by a two-thirds majority rules of procedure for carrying out the provisions of this Article.

ARTICLE XIV

Interpretation

1. The English and French texts of this Constitution shall be regarded as equally authoritative.

2. Any question or dispute concerning the interpretation of this Constitution shall be referred for determination to the International Court of Justice or to an arbitral tribunal, as the General Conference may determine under its rules of procedure.

ARTICLE XV

Entry into force

1. This Constitution shall be subject to acceptance. The instruments of acceptance shall be deposited with the Government of the United Kingdom.

2. This Constitution shall remain open for signature in the archives of the Government of the United Kingdom. Signature may take place either before or after the deposit of the instrument of acceptance. No acceptance shall be valid unless preceded or followed by signature.

3. This Constitution shall come into force when it has been accepted by twenty of its signatories. Subsequent acceptances shall take effect immediately.

4. The Government of the United Kingdom will inform all members of the United Nations of the receipt of all instruments of acceptance and of the date on which the Constitution comes into force in accordance with the preceding paragraph.

IN FAITH WHEREOF, the undersigned, duly authorised to that effect, have signed this Constitution in the English and French languages, both texts being equally authentic.

DONE in London the sixteenth day of November, 1945, in a single copy, in the English and French languages, of which certified copies will be communicated by the Government of the United Kingdom to the Governments of all the Members of the United Nations.

ARTICLE XII

Statut juridique de l'Organisation

Les dispositions des Articles 104 et 105 de la Charte de l'Organisation des Nations Unies relatives au statut juridique de cette Organisation, à ses priviléges et immunités, s'appliquent également à la présente Organisation.

ARTICLE XIII

Amendements

1. Les projets d'amendements à la présente Convention prendront effet lorsqu'ils auront été adoptés par la Conférence Générale à la majorité des deux tiers; néanmoins, les amendements entraînant des modifications fondamentales dans les buts de l'Organisation ou des obligations nouvelles pour les Etats Membres, devront être ensuite acceptés par les deux tiers des Etats Membres avant d'entrer en vigueur. Le texte des projets d'amendements sera communiqué aux Etats Membres par le Directeur Général six mois au moins avant d'être soumis à l'examen de la Conférence Générale.

2. La Conférence Générale aura pouvoir d'adopter à la majorité des deux tiers un règlement en vue de l'application des dispositions du présent Article.

ARTICLE XVI

Interprétation

1. Les textes anglais et français de la présente Convention font également foi.

2. Toutes questions et tous différends relatifs à l'interprétation de la présente Convention seront soumis pour décision à la Cour Internationale de Justice ou à un tribunal arbitral, selon ce que décidera la Conférence Générale conformément à son règlement intérieur.

ARTICLE XV

Entrée en vigueur

1. La présente Convention sera soumise à acceptation. Les instruments d'acceptation seront déposés auprès du Gouvernement du Royaume-Uni.

2. La présente Convention sera déposée dans les archives du Gouvernement du Royaume-Uni où elle restera ouverte à la signature. Les signatures pourront être apposées avant ou après le dépôt des instruments d'acceptation. L'acceptation ne sera valable que si elle est précédée ou suivie d'une signature.

3. La présente Convention entrera en vigueur lorsqu'elle aura été acceptée par vingt de ses signataires. Les acceptations ultérieures prendront effet immédiatement.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet, ont signé la présente Convention dans les langues anglaise et française, les deux textes faisant également foi.

FAIT à Londres, le seize novembre 1945, en un seul exemplaire dans les langues anglaise et française. Des copies dûment certifiées conformes seront remises par le Gouvernement du Royaume-Uni aux Gouvernements de tous les Etats membres des Nations Unies.

Argentine Republic	Iraq
CONRADO TRAVERSO.	NAJI AL ASIL.
Australia	Lebanon
—	CAMILLE CHAMOUN.
Belgium	Liberia
—	J. W. PEARSON.
Bolivia	Luxembourg
—	A. ALS.
Brazil	Mexico
—	J. T. BODET.
The Byelorussian Soviet Socialist Re-public	The Netherlands
—	V. D. LEEUW.
Canada	New Zealand
—	—
VINCENT MASSEY.	Nicaragua
Chile	ERNESTO SELVA.
—	Norway
FRANCISCO WALKER LINARES.	NILS HJELMTVEIT.
China	Panama
HU SHIH.	E. A. MORALES.
Colombia	Paraguay
—	—
J. J. ARANGO.	Peru
Costa Rica	E. LETTS.
—	The Philippines
Cuba	MAXIMO M. KALAW.
—	Poland
LUIS MARINO PÉREZ.	BERNARD DRZEWIESKI.
Czechoslovakia	Saudi Arabia
—	HAFIZ WAHBA.
JAN OPOCENSKY.	Syria
Denmark	N. ARMANAZI.
—	Turkey
ALB. MICHELSSEN.	YÜCEL.
The Dominican Republic	The Ukrainian Soviet Socialist Re-public
—	—
A. PASTORIZA.	The Union of South Africa
Ecuador	C. HEATON NICHOLLS.
—	The Union of Soviet Socialist Repub-lics
ALB. PUIG.	—
Egypt	The United Kingdom of Great Britain
—	and Northern Ireland
A. FATTAH AH. AMR.	ELLEN WILKINSON.
El Salvador	The United States of America
—	—
Ethiopia	Uruguay
—	R. E. MACEACHEN.
France	Venezuela
—	A. RODRIGUEZ AZPURUA.
Greece	Yugoslavia
—	DR. LJUBO LEONTIC.
TH. AGHNIDES.	
Guatemala	
—	
M. GALICH.	
Haiti	
—	
LEON LALEAU.	
Honduras	
—	
India	
—	
JOHN SARGENT.	
Iran	
—	
A. A. HEKMAT.	

République Argentine	Irak
CONRADO TRAVERSO.	NAJI AL ASIL.
Australie	Liban
—	CAMILLE CHAMOUN.
Belgique	Libéria
A. BUISSET.	J. W. PEARSON.
Bolivie	Luxembourg
C. SALAMANCA.	A. ALS.
Brésil	Mexique
MONIZ DE ARAGAO.	J. T. BODET.
République Soviétique Socialiste de	Pays-Bas
Bielorussie	V. D. LEEUW.
—	Nouvelle-Zélande
Canada	—
VINCENT MASSEY.	Nicaragua
Chili	ERNESTO SELVA.
FRANCISCO WALKER LINARES.	Norvège
Chine	NILS HJELMTVEIT.
HU SHIH.	Panama
Colombie	E. A. MORALES.
J. J. ARANGO.	Paraguay
Costa Rica	—
—	Pérou
Cuba	E. LETTS.
LUIS MARINO PÉREZ.	Philippines
Tchécoslovaquie	MAXIMO M. KALAW.
JAN OPOCENSKY.	Pologne
Danemark	BERNARD DRZEWIESKI.
ALB. MICHELSEN.	Arabie Saoudite
République Dominicaine	HAFIZ WAHBA.
A. PASTORIZA.	Syrie
Equateur	N. ARMANAZI.
ALB. PUIG.	Turquie
Egypte	YÜCEL.
A. FATTAH AH. AMR.	République Soviétique Socialiste
Salvador	d'Ukraine
—	—
Ethiopie	Union Sud-africaine
—	G. HEATON NICHOLLS.
France	Union des Républiques Soviétiques
—	Socialistes
Grèce	—
TH. AGHNIDES.	Royaume-Uni de la Grande Bretagne
Guatemala	et de l'Irlande du Nord
M. GALICH.	ELLEN WILKINSON.
Haïti	Etats-Unis d'Amérique
LÉON LALEAU.	—
Honduras	Uruguay
—	R. E. MACEACHEN.
Inde	Venezuela
JOHN SARGENT.	A. RODRIGUEZ AZPURUA.
Iran	Yougoslavie
A. A. HEKMAT.	DR LJUBO LEONTIC.

III

INSTRUMENT ESTABLISHING A PREPARATORY EDUCATIONAL,
SCIENTIFIC AND CULTURAL COMMISSION

The Governments represented at the United Nations Educational and Cultural Conference in London,

Having determined that an international organisation to be known as the United Nations Educational, Scientific and Cultural Organisation shall be established, and

Having formulated the Constitution of the United Nations Educational, Scientific and Cultural Organisation,

Agree as follows:

1. Pending the coming into force of the Constitution and the establishment of the Organisation provided for therein, there shall be established a Preparatory Commission to make arrangements for the first Session of the General Conference of the Organisation, and to take such other steps as are indicated below.

2. For this purpose the Commission shall:—

(a) Convoke the First Session of the General Conference.

(b) Prepare the provisional agenda for the First Session of the General Conference and prepare documents and recommendations relating to all matters on the agenda including such matters as the possible transfer of functions, activities and assets of existing international agencies, the specific arrangements between this Organisation and the United Nations Organisation, and arrangements for the Secretariat of the Organisation and the appointment of its Director-General.

(c) Make studies and prepare recommendations concerning the programme and the budget of the Organisation for presentation to the General Conference at its First Session.

(d) Provide without delay for immediate action on urgent needs of educational, scientific, and cultural reconstruction in devastated countries as indicated in Paragraphs 6 and 7.

3. The Commission shall consist of one representative of each of the Governments signatory to this Instrument.

4. The Commission shall appoint an Executive Committee composed of fifteen members to be selected at the first meeting of the Commission. The Executive Committee shall exercise any or all powers of the Commission as the Commission may determine.

5. The Commission shall establish its own rules of procedure and shall appoint such other committees and consult with such specialists as may be desirable to facilitate its work.

6. The Commission shall appoint a special technical sub-committee to examine the problems relating to the educational, scientific and cultural needs of the countries devastated by the war, having regard to the information already collected and the work being done by other international organisations, and to prepare as complete a conspectus as possible of the extent and nature of the problems for the information of the Organisation at the First Session of the Conference.

III

ARRANGEMENT PROVISOIRE INSTITUANT UNE COMMISSION PRÉ-PARATOIRE POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE

Les Gouvernements représentés à la Conférence des Nations Unies pour l'Education et la Culture, à Londres,

Ayant décidé d'établir une organisation internationale portant le nom d'Organisation des Nations Unies pour l'Education, la Science et la Culture,

Ayant rédigé la Convention qui institue l'Organisation des Nations Unies pour l'Education, la Science et la Culture,

Conviennent de ce qui suit:

1. En attendant l'entrée en vigueur de la Convention et l'établissement de l'Organisation prévue par cette Convention, il est établi une Commission Préparatoire chargée de prendre toutes dispositions pour la première session de la Conférence Générale de l'Organisation et telles autres mesures qui sont indiquées ci-après:

2. A cette fin, la Commission

- (a) Convoquera la première session de la Conférence Générale,
- (b) Préparera l'ordre du jour provisoire de cette session et tous documents et recommandations relatifs aux questions inscrites à l'ordre du jour, y compris des questions telles que le transfert éventuel des fonctions, activités et avoirs des organisations internationales existantes, les accords particuliers à intervenir entre ladite Organisation et l'Organisation des Nations Unies et les dispositions relatives au Secrétariat de l'Organisation et à la nomination de son Directeur Général.
- (c) Entreprendra des études et préparera des recommandations concernant le programme et le budget de l'Organisation pour les soumettre à la Conférence Générale au cours de sa première session.
- (d) Prendra sans délai des mesures immédiates pour faire face aux nécessités urgentes de reconstruction, en pays dévastés, dans les domaines de l'éducation, de la science et de la culture, conformément aux dispositions des Paragraphes 6 et 7.

3. La Commission comprendra un représentant de chacun des Gouvernements signataires du présent Arrangement.

4. La Commission nommera un Comité Exécutif composé de quinze membres qui seront désignés au cours de la première séance de la Commission. Le Comité Exécutif exercera tout pouvoir que la Commission lui aura délégué.

5. La Commission établira son règlement intérieur, nommera les comités et consultera les spécialistes susceptibles de l'aider dans sa tâche.

6. La Commission désignera un sous-comité technique spécial chargé d'étudier les problèmes relatifs aux besoins des pays ravagés par la guerre dans les domaines de l'éducation, de la science et de la culture, en tenant compte des renseignements déjà assemblés et des travaux poursuivis par d'autres organisations internationales, et de préparer un exposé d'ensemble, aussi complet que possible, de l'étendue et de la nature de ces problèmes, pour le soumettre à l'Organisation au cours de la première session de la Conférence Générale.

7. When the technical sub-committee is satisfied that any ameliorative measures are immediately practicable to meet any educational, scientific or cultural needs it shall report to the Commission accordingly and the Commission shall, if it approves, take steps to bring such needs to the attention of governments, organisations, and persons wishing to assist by contributing money, supplies or services in order that co-ordinated relief may be given either directly by the donors to the countries requiring aid or indirectly through existing international relief organisations.

8. The Commission shall appoint an Executive Secretary who shall exercise such powers and perform such duties as the Commission may determine, with such international staff as may be required. The staff shall be composed as far as possible of officials and specialists made available for this purpose by the participating Governments on the invitation of the Executive Secretary.

9. The provisions of Articles 104 and 105 of the Charter of the United Nations Organisation concerning the legal status of that Organisation, its privileges and immunities shall apply in the same way to this Commission.

10. The Commission shall hold its first meeting in London immediately after the conclusion of the present Conference and shall continue to sit in London until such time as the Constitution of the Organisation has come into force. The Commission shall then transfer to Paris where the permanent Organisation is to be located.

11. During such period as the Commission is in London, the expenses of its maintenance shall be met by the Government of the United Kingdom on the understanding:

(1) that the amount of the expenses so incurred will be deducted from the contribution of that Government to the new Organisation until they have been recovered, and

(2) that it will be open to the Commission, if circumstances so warrant, to seek contributions from other governments.

When the Commission is transferred to Paris, the financial responsibility will pass to the French Government on the same terms.

12. The Commission shall cease to exist upon the assumption of office of the Director-General of the Organisation, at which time its property and records shall be transferred to the Organisation.

13. The Government of the United Kingdom shall be the temporary depositary and shall have custody of the original document embodying these interim arrangements in the English and French languages. The Government of the United Kingdom shall transfer the original to the Director General on his assumption of office.

14. This Instrument shall be effective as from this date, and shall remain open for signature on behalf of the States entitled to be the original Members of the United Nations Educational, Scientific and Cultural Organisation, until the Commission is dissolved in accordance with Paragraph 12.

IN FAITH WHEREOF, the undersigned representatives having been duly authorised for that purpose, have signed this Instrument in the English and French languages, both texts being equally authentic.

DONE in London the sixteenth day of November, 1945, in a single copy, in the English and French languages, of which certified copies will be communicated by the Government of the United Kingdom to the Governments of all the States Members of the United Nations.

7. Lorsque le sous-comité technique se sera assuré que des améliorations quelconques peuvent être immédiatement apportées dans les domaines de l'éducation, de la science ou de la culture, il présentera un rapport dans ce sens à la Commission; il appartiendra à la Commission, si elle le juge bon, de prendre des mesures pour attirer sur ces besoins l'attention des gouvernements, des organisations et des personnalités qui désirent contribuer à cette œuvre à l'aide de fonds, de fournitures ou de services, afin que les donateurs puissent apporter une assistance coordonnée aux pays qui en ont besoin, soit directement, soit indirectement par l'intermédiaire des organisations internationales de secours existantes.

8. La Commission nommera un Secrétaire Exécutif, celui-ci avec le personnel international nécessaire, exercera les pouvoirs et remplira les fonctions qui seront déterminées par la Commission. Le personnel sera composé, dans la mesure du possible, de fonctionnaires ou de spécialistes autorisés à cette fin par les Gouvernements des Etats Membres sur l'invitation du Secrétaire Exécutif.

9. Les dispositions des Articles 104 et 105 de la Charte de l'Organisation des Nations Unies relatives au statut juridique de cette Organisation, à ses priviléges et immunités, s'appliquent également à la présente Commission.

10. La Commission tiendra sa première séance à Londres immédiatement après la clôture de la présente Conférence et continuera de siéger à Londres jusqu'au moment où la Convention créant l'Organisation sera entrée en vigueur. La Commission sera alors transférée à Paris, où siégera l'Organisation permanente.

11. Tant que la Commission siégera à Londres, ses frais seront couverts par le Gouvernement du Royaume-Uni, sous réserve

(1) que le montant des dépenses ainsi engagées soit déduit des contributions à verser par ce Gouvernement à la nouvelle Organisation, jusqu'à ce qu'il ait été récupéré;

(2) qu'il soit loisible à la Commission, si les circonstances le justifient, de solliciter les contributions d'autres gouvernements.

Lorsque la Commission sera transférée à Paris, ces charges financières seront supportées par le Gouvernement français aux mêmes conditions.

12. La Commission cessera d'exister au moment où le Directeur Général de l'Organisation entrera en fonctions; à ce moment, les biens et archives de la Commission seront transférés à l'Organisation.

13. Le Gouvernement du Royaume-Uni aura provisoirement la garde du document original contenant ces dispositions transitoires en langues anglaise et française. Le Gouvernement du Royaume-Uni remettra le document original au Directeur Général lorsque celui-ci entrera en fonctions.

14. Le présent Arrangement prendra effet à la date de ce jour et restera ouvert à la signature des représentants des Etats qualifiés pour être Membres originaires de l'Organisation des Nations Unies pour l'Education, la Science et la Culture, jusqu'à ce que la Commission soit dissoute en application du Paragraphe 12.

EN FOI DE QUOI, les représentants soussignés, dûment autorisés à cette fin, ont signé le présent Arrangement dans les langues anglaise et française, les deux textes faisant également foi.

FAIT à Londres le 16 novembre 1945, en un seul exemplaire dans les langues anglaise et française. Des copies dûment certifiées conformes seront remises par le Gouvernement du Royaume-Uni aux gouvernements de tous les Etats membres des Nations Unies.

Argentine Republic	Iraq
CONRADO TRAVERSO.	NAJI AL ASIL.
Australia	Lebanon
—	CAMILLE CHAMOUN.
Belgium	Liberia
A. BUISERET.	J. W. PEARSON.
Bolivia	Luxembourg
C. SALAMANCA.	A. ALS.
Brazil	Mexico
MONIZ DE ARAGAO.	J. T. BODET.
The Byelorussian Soviet Socialist Republic	The Netherlands
—	V. D. LEEUW.
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VINCENT MASSEY.	ARNOLD E. CAMPBELL.
Chile	Nicaragua
FRANCISCO WALKER LINARES.	ERNESTO SELVA.
China	Norway
HU SHIH.	NILS HJELMTVEIT.
Colombia	Panama
J. J. ARANGO.	E. A. MORALES.
Costa Rica	Paraguay
—	—
Cuba	Peru
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Denmark	Poland
ALB. MICHELSSEN.	BERNARD DRZEWIESKI.
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Ecuador	Syria
ALB. PUIG.	N. ARMANAZI.
Egypt	Turkey
A. FATTAH AH. AMR.	YÜCEL.
El Salvador	The Ukrainian Soviet Socialist Republic
—	—
Ethiopia	The Union of South Africa
—	G. HEATON NICHOLLS.
France	The Union of Soviet Socialist Republics
—	—
Greece	The United Kingdom of Great Britain and Northern Ireland
TH. AGHNIDES.	ELLEN WILKINSON.
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M. GALICH.	ARCHIBALD MACLEISH.
Haiti	Uruguay
LÉON LALEAU.	R. E. MACEACHEN.
Honduras	Venezuela
—	A. RODRIGUEZ AZPURUA.
India	Yugoslavia
JOHN SARGENT.	Dr. LJUBO LEONTIC.
Iran	
A. A. HEKMAT.	

République Argentine	Irak
Conrado TRAVERSO.	Naji Al ASIL.
Australie	Liban
—	Camille CHAMOUN.
Belgique	Libéria
A. BUISERET.	J. W. PEARSON.
Bolivie	Luxembourg
C. SALAMANCA.	A. ALS.
Brésil	Mexique
Moniz de ARAGAO.	J. T. BODET.
République Soviétique Socialiste de	Pays-Bas
Biélorussie	V. D. LEEUW.
—	Nouvelle-Zélande
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Costa Rica	—
—	Pérou
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Danemark	Bernard DRZEWIESKI.
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A. PASTORIZA.	Syrie
Equateur	N. ARMANAZI.
Alb. PUIG.	Turquie
Egypte	YÜCEL.
A. Fattah Ah. AMR.	République Soviétique Socialiste
Salvador	d'Ukraine
—	—
Ethiopie	Union Sud-africaine
—	G. Heaton NICHOLLS.
France	Union des Républiques Soviétiques
—	Socialistes
Grèce	—
Th. AGHNIDES.	Royaume-Uni de la Grande-Bretagne
Guatemala	et de l'Irlande du Nord
M. GALICH.	Ellen WILKINSON.
Haïti	Etats-Unis d'Amérique
Léon LALEAU.	Archibald MACLEISH.
Honduras	Uruguay
—	R. E. MACEACHEN.
Inde	Venezuela
John SARGENT.	A. Rodriguez AZPURUA.
Iran	Yougoslavie
A. A. HEKMAT.	Dr Ljubo LEONTIC.

**UNITED NATIONS CONFERENCE FOR THE ESTABLISHMENT OF AN
EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION**

List of Signatories

Country	Final Act	Constitution of Organisation	Instrument Establishing a Preparatory Commission
Argentine Republic	x	x	x
Australia	x		
Belgium	x	x	x
Bolivia	x	x	x
Brazil	x	x	x
Canada	x	x	x
Chile	x	x	x
China	x	x	x
Colombia	x	x	x
Cuba	x	x	x
Czechoslovakia	x	x	x
Denmark	x	x	x
Dominican Republic	x	x	x
Ecuador	x	x	x
Egypt	x	x	x
France	x		
Greece	x	x	x
Guatemala	x	x	x
Haiti	x	x	x
India	x	x	x
Iran	x	x	x
Iraq	x	x	x
Lebanon	x	x	x
Liberia	x	x	x
Luxembourg	x	x	x
Mexico	x	x	x
The Netherlands	x	x	x
New Zealand	x		x
Nicaragua	x	x	x
Norway	x	x	x
Panama	x	x	x
Peru	x	x	x
Philippines	x	x	x
Poland	x	x	x
Saudi Arabia	x	x	x
Syria	x	x	x
Turkey	x	x	x
Union of South Africa	x	x	x
United Kingdom of Great Britain and Northern Ireland	x	x	x
United States of America	x		x
Uruguay	x	x	x
Venezuela	x	x	x
Yugoslavia	x	x	x

CANADA

TREATY SERIES, 1945
No. 19

INSTRUMENT

OF

JAPAN'S SURRENDER

Signed at Tokyo Bay, September 2, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

CANADA

TREATY SERIES, 1945
No. 19

INSTRUMENT
OF
JAPAN'S SURRENDER

Signed at Tokyo Bay, September 2, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1945

INSTRUMENT OF JAPAN'S SURRENDER

Signed at Tokyo Bay, Japan, September 2, 1945

INSTRUMENT OF SURRENDER

We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the heads of the Governments of the United States, China and Great Britain on 26 July 1945, at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.

We hereby proclaim the unconditional surrender to the Allied Powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under Japanese control wherever situated.

We hereby command all Japanese forces wherever situated and the Japanese people to cease hostilities forthwith, to preserve and save from damage all ships, aircraft, and military and civil property and to comply with all requirements which may be imposed by the Supreme Commander for the Allied Powers or by agencies of the Japanese Government at his direction.

We hereby command the Japanese Imperial General Headquarters to issue at once orders to the Commanders of all Japanese forces and all forces under Japanese control wherever situated to surrender unconditionally themselves and all forces under their control.

We hereby command all civil, military and naval officials to obey and enforce all proclamations, orders and directives deemed by the Supreme Commander for the Allied Powers to be proper to effectuate this surrender and issued by him or under his authority and we direct all such officials to remain at their posts and to continue to perform their non-combatant duties unless specifically relieved by him or under his authority.

We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied Powers for the purpose of giving effect to that Declaration.

We hereby command the Japanese Imperial Government and the Japanese Imperial General Headquarters at once to liberate all allied prisoners of war and civilian internees now under Japanese control and to provide for their protection, care, maintenance and immediate transportation to places as directed.

The authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers who will take such steps as he deems proper to effectuate these terms of surrender.

Signed at Tokyo Bay, Japan, at 0904 I on the second day of September, 1945.

MAMORU SHIGEMITSU,

*By Command and in behalf of the Emperor
of Japan and the Japanese Government.*

YOSHIJIRO UMEZU,

*By Command and in behalf of the Japanese
Imperial General Headquarters.*

Accepted at Tokyo Bay, Japan, at 0908 I on the second day of September, 1945, for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan.

DOUGLAS MACARTHUR,
Supreme Commander for the Allied Powers.

C. W. NIMITZ,
United States Representative.

HSU YOUNG-CHANG,
Republic of China Representative.

BRUCE FRASER,
United Kingdom Representative.

DEREVYANKO,
Union of Soviet Socialist Republics Representative.

T. A. BLAMEY,
Commonwealth of Australia Representative.

MOORE COSGRAVE,
Dominion of Canada Representative.

LECLERC,
Provisional Government of the French Republic Representative.

D. E. L. HELFRICH,
Kingdom of the Netherlands Representative.

LEONARD M. ISITT,
Dominion of New Zealand Representative.

CANADA.

TREATY SERIES, 1945

No. 20

ARMISTICE AGREEMENT

WITH

HUNGARY

Signed at Moscow, January 20, 1945

(With Annex and Protocol)



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948



CANADA

TREATY SERIES, 1945

No. 20

ARMISTICE AGREEMENT

WITH

HUNGARY

Signed at Moscow, January 20, 1945

(With Annex and Protocol)



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

SUMMARY

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**AGREEMENT CONCERNING AN ARMISTICE BETWEEN THE UNION
OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE
UNITED STATES OF AMERICA ON THE ONE HAND, AND
HUNGARY ON THE OTHER, TOGETHER WITH AN ANNEX AND
A PROTOCOL.**

I

ARMISTICE AGREEMENT

Signed at Moscow, January 20, 1945

The Provisional National Government of Hungary, recognising the fact of the defeat of Hungary in the war against the Soviet Union, the United Kingdom, the United States of America, and other United Nations, accepts the armistice terms presented by the Governments of the above-mentioned three powers, acting on behalf of all the United Nations which are in a state of war with Hungary.¹

On the basis of the foregoing the representative of the Allied (Soviet) High Command, Marshal of the Soviet Union K. E. Voroshilov, duly authorized thereto by the Governments of the Soviet Union, the United Kingdom, and the United States of America, acting on behalf of all the United Nations which are at war with Hungary, on the one hand and the representatives of the Provisional National Government of Hungary, Minister of Foreign Affairs Mister Gyöngyösi János, Minister of Defence Colonel General Vörös János and State Secretary of the Cabinet of Ministers Mister Balogh István, on the other, holding proper full powers, have signed the following conditions:

1. (a) Hungary has withdrawn from the war against the Union of Soviet Socialist Republics and other United Nations, including Czechoslovakia, has severed all relations with Germany and has declared war on Germany.

(b) The Government of Hungary undertakes to disarm German armed forces in Hungary and to hand them over as prisoners of war.

The Government of Hungary also undertakes to intern nationals of Germany.

(c) The Government of Hungary undertakes to maintain and make available such land, sea and air forces as may be specified for service under the general direction of the Allied (Soviet) High Command. In this connection Hungary will provide not less than eight infantry divisions with corps troops. These forces must not be used on allied territory except with the prior consent of the allied government concerned.

(d) On the conclusion of hostilities against Germany, the Hungarian armed forces must be demobilized and put on a peace footing under the supervision of the Allied Control Commission. (See Annex to Article 1.)

2. Hungary has accepted the obligation to evacuate all Hungarian troops and officials from the territory of Czechoslovakia, Yugoslavia, and Rumania occupied by her within the limits of the frontiers of Hungary existing on December 31, 1937, and also to repeal all legislative and administrative provisions relating to the annexation or incorporation into Hungary of Czechoslovak, Yugoslav and Rumanian territory.

¹By Proclamation issued at Ottawa on December 7, 1941, it was declared that a state of war with Hungary existed as and from December 7, 1941.

3. The Government and High Command of Hungary will ensure to the Soviet and other allied forces facilities for free movement on Hungarian territory in any direction if, in the opinion of the Allied (Soviet) High Command, the military situation requires this, the Government and High Command of Hungary giving such movement every possible assistance with their own means of communication and at their own expense on land, on water and in the air. (See Annex to Article 3.)

4. The Government of Hungary will immediately release all allied prisoners of war and internees. Pending further instructions the Government of Hungary will at its own expense provide all allied prisoners of war and internees, displaced persons and refugees, including nationals of Czechoslovakia and Yugoslavia, with adequate food, clothing, medical services, and sanitary and hygienic requirements, and also with means of transportation for the return of any such persons to their own country.

5. The Government of Hungary will immediately release, regardless of citizenship and nationality, all persons held in confinement in connection with their activities in favour of the United Nations or because of their sympathies with the United Nations' cause or for racial or religious reasons, and will repeal all discriminatory legislation and disabilities arising therefrom.

The Government of Hungary will take all necessary measures to ensure that all displaced persons or refugees within the limits of Hungarian territory, including Jews and stateless persons, are accorded at least the same measure of protection and security as its own nationals.

6. The Government of Hungary undertakes to return to the Soviet Union, and also to Czechoslovakia and Yugoslavia and to the other United Nations, by the dates specified by the Allied Control Commission, and in complete good order, all valuables and materials removed during the war to Hungary from United Nations territory and belonging to state, public or co-operative organisations, enterprises, institutions or individual citizens, such as factory and works equipment, locomotives, rolling stock, tractors, motor vehicles, historic monuments, museum treasures and any other property.

7. The Government and High Command of Hungary undertake to hand over as booty into the hands of the Allied (Soviet) High Command all German war material located on Hungarian territory, including vessels of the fleet of Germany.

8. The Government and High Command of Hungary undertake not to permit, without the authorization of the Allied Control Commission, the export or expropriation of any form of property (including valuables and currency) belonging to Germany or her nationals or to persons resident in German territory or in territories occupied by Germany. They will safeguard such property in the manner specified by the Allied Control Commission.

9. The Government and High Command of Hungary undertake to hand over to the Allied (Soviet) High Command all vessels belonging or having belonged to the United Nations which are located in Hungarian Danubian ports, no matter at whose disposal these vessels may be, for use during the period of the war against Germany by the Allied (Soviet) High Command in the general interests of the Allies, these vessels subsequently to be returned to their owners.

The Government of Hungary will bear full material responsibility for any damage or destruction of the aforementioned property until the moment of its transfer to the Allied (Soviet) High Command.

10. Hungarian merchant vessels, whether in Hungarian or foreign waters, shall be subject to the operational control of the Allied (Soviet) High Command for use in the general interests of the Allies.

11. The Government of Hungary will make regular payments in Hungarian currency and provide commodities (fuel, foodstuffs, et cetera), facilities and services as may be required by the Allied (Soviet) High Command for the fulfilment of its functions as well as for the needs of missions and representatives of the allied states connected with the Allied Control Commission.

The Government of Hungary will also assure, in case of need, the use and regulation of the work of industrial and transport enterprises, means of communication, power stations, enterprises and installations of public utility, stores of fuel and other material, in accordance with instructions issued during the armistice by the Allied (Soviet) High Command or the Allied Control Commission. (See Annex to Article 11.)

12. Losses caused to the Soviet Union, Czechoslovakia and Yugoslavia by military operations and by the occupation by Hungary of the territories of these states will be made good by Hungary to the Soviet Union, Czechoslovakia and Yugoslavia, but taking into consideration that Hungary has not only withdrawn from the war against the United Nations but has declared war against Germany, the parties agree that compensation for the indicated losses will be made by Hungary not in full but only in part; namely, to the amount of 300 million American dollars payable over six years in commodities (machine equipment, river craft, grain, livestock, et cetera), the sum to be paid to the Soviet Union to amount to 200 million American dollars and the sum to be paid to Czechoslovakia and Yugoslavia to amount to 100 million American dollars.

Compensation will be paid by Hungary for loss and damage caused by the war to other allied states and their nationals, the amount of compensation to be fixed at a later date. (See Annex to Article 12.)

13. The Government of Hungary undertakes to restore all legal rights and interests of the United Nations and their nationals on Hungarian territory as they existed before the war and also to return their property in complete good order.

14. Hungary will co-operate in the apprehension and trial, as well as the surrender to the governments concerned, of persons accused of war crimes.

15. The Government of Hungary undertakes to dissolve immediately all pro-Hitler or other fascist political, military, para-military and other organisations on Hungarian territory conducting propaganda hostile to the United Nations and not to tolerate the existence of such organisations in future.

16. The publication, introduction and distribution in Hungary of periodical or non-periodical literature, the presentation of theatrical performances or films, the operation of wireless stations, post, telegraph and telephone services will take place in agreement with the Allied (Soviet) High Command. (See Annex to Article 16.)

17. Hungarian civil administration will be restored in the whole area of Hungary separated by not less than 50-100 kilometres (depending upon conditions of terrain) from the front line, Hungarian administrative bodies undertaking to carry out, in the interests of the re-establishment of peace and security, instructions and orders of the Allied (Soviet) High Command or Allied Control Commission issued by them for the purpose of securing the execution of these armistice terms.

18. For the whole period of the armistice there will be established in Hungary an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command and with the participation of representatives of the United Kingdom and the United States.

During the period between the coming into force of the armistice and the conclusion of hostilities against Germany, the Allied Control Commission will be under the general direction of the Allied (Soviet) High Command. (See Annex to Article 18.)

19. The Vienna Arbitration Award of November 2, 1938, and the Vienna Award of August 30, 1940, are hereby declared to be null and void.

20. The present terms come into force at the moment of their signing.

DONE in Moscow 20th January, 1945, in one copy which will be entrusted to the safekeeping of the Government of the Union of Soviet Socialist Republics, in the Russian, English and Hungarian languages, the Russian and English texts being authentic. Certified copies of the present agreement, with annexes, will be transmitted by the Government of the Union of Soviet Socialist Republics to each of the other governments on whose behalf the present agreement is being signed.

For the Governments of the Union
of Soviet Socialist Republics,
the United Kingdom and the
United States of America;

K. E. VOROSHILOV.

For the Provisional National
Government of Hungary:

GYÖNGYÖSE JÁNOS,
VÖRÖS JÁNOS,
BALOGH ISTVÁN.

II

ANNEX TO AGREEMENT

A. Annex to Article 1

The Hungarian Military Command shall hand over to the Allied (Soviet) High Command within a period fixed by the latter all the information at its disposal regarding the German armed forces and the plans of the German Military Command for the development of military operations against the Union of Soviet Socialist Republics and the other United Nations, and also the charts and maps and all operational documents relating to the military operations of the German armed forces.

The measures provided for in Article 1 of the Agreement regarding the internment of nationals of Germany now in Hungarian territory do not apply to nationals of that country of Jewish origin.

B. Annex to Article 3

The assistance specified in Article 3 of the Agreement shall be taken to mean that the Government and High Command of Hungary will place at the disposal of the Allied (Soviet) High Command, for use at its discretion during the armistice, in complete good order and with the personnel required for their maintenance, all Hungarian military, air and river fleet installations and buildings, ports, barracks, warehouses, airfields, means of communication and meteorological stations which might be required for military needs.

C. Annex to Article 11

The Government of Hungary will withdraw and redeem within such time limits and on such terms as the Allied (Soviet) High Command may specify, all holdings in Hungarian territory of currencies issued by the Allied (Soviet) High Command, and will hand over currency so withdrawn free of cost to the Allied (Soviet) High Command.

The Government of Hungary will not permit the disposal of external Hungarian assets or the disposal of internal Hungarian assets to foreign governments or foreign nationals without the permission of the Allied (Soviet) High Command or Allied Control Commission.

D. Annex to Article 12

The precise nomenclature and varieties of commodities to be delivered by Hungary to the Soviet Union, Czechoslovakia and Yugoslavia in accordance with Article 12 of the Agreement and also the more precise periods for making these deliveries each year shall be defined in special agreements between the respective governments. These deliveries will be calculated at 1938 prices with an increase of fifteen per cent for industrial equipment and ten per cent for other goods.

As the basis of calculation for payment of the indemnity foreseen in Article 12 of the Agreement, the American dollar is to be used at its gold parity on the day of signing of the agreement, i.e. thirty-five dollars to one ounce of gold.

In connection with Article 12 it is understood that the Government of Hungary will immediately make available certain food and other supplies required for relief and rehabilitation of the population of those Czechoslovak and Yugoslav territories which have suffered as a result of Hungarian aggression.

The quantities of the products to be delivered will be determined by agreement between the three governments and will be considered as part of the reparation by Hungary for the loss and damages sustained by Czechoslovakia and Yugoslavia.

E. Annex to Article 16

The Government of Hungary will ensure that wireless communication, telegraphic and postal correspondence, and correspondence in cipher and by courier, as well as telephonic communication with foreign countries, of embassies, legations and consulates situated in Hungary will be conducted in the manner laid down by the Allied (Soviet) High Command.

F. Annex to Article 18

Control over the exact execution of the armistice terms will be entrusted to the Allied Control Commission to be established in conformity with Article 18 of the Armistice Agreement.

The Government of Hungary and its organs shall fulfill all instructions of the Allied Control Commission arising out of the armistice agreement.

The Allied Control Commission will set up special organs or sections, entrusting them respectively with the execution of various functions. In addition, the Allied Control Commission may have its officers in various parts of Hungary.

The Allied Control Commission will have its seat in the city of Budapest.

Moscow, 20th January, 1945.

III

PROTOCOL TO THE ARMISTICE AGREEMENT WITH HUNGARY

Signed at Moscow, January 20, 1945

In signing the armistice agreement with the Government of Hungary, the Allied Governments signatory thereto have agreed as follows:

One. The term "war material" used in Article VII shall be deemed to include all material or equipment belonging to, used by, or intended for use by the military or para-military formations of the enemy or members thereof.

Two. The use by the Allied (Soviet) High Command of Allied vessels handed over by the Government of Hungary in accordance with Article IX of the armistice and the date of their return to their owners will be the subject of discussion and settlement between the Government of the Soviet Union and the Allied Governments concerned.

Done in Moscow in three copies, each in the Russian and English languages, the Russian and English texts being authentic.

January 20, 1945.

By authority of the
Government of the
Union of Soviet
Socialist Republics:

V. DEKANOZOV.

[Seal]

For the Government of
the United States of
America:

W. A. HARRIMAN.

[Seal]

For the Government of
the United Kingdom:

JOHN BALFOUR.

[Seal]

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Can
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CANADA

TREATY SERIES, 1945

No. 21

ACTS
OF THE
INTERNATIONAL
WHALING CONFERENCE

Held in London from November 20 to November 26, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.P.L.
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948



Price, 25 cents

CANADA

TREATY SERIES, 1945
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OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

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ACTS OF THE INTERNATIONAL WHALING CONFERENCE HELD IN LONDON FROM NOVEMBER 20 TO NOVEMBER 26, 1945

I

FINAL ACT

An International Whaling Conference was opened in London on the 20th November, 1945, and continued on the 21st, 22nd and 23rd November, 1945.

The Governments of the countries mentioned below were represented as follows:—

(Here follow the names of the representatives of the Union of South Africa, Australia, Canada, Denmark, France, Mexico, Netherlands, Newfoundland, New Zealand, Norway, the United Kingdom and the United States of America.)

Mr. A. T. A. Dobson (United Kingdom) was invited to preside over the conference, and Mr. A. M. Lowe and Miss U. Borenus (United Kingdom), assisted by a member of the United States of America Delegation, acted as Secretaries.

The object of the Conference was to consider what special measures should be put in force by agreement in respect of the whaling season 1946/47. All the Governments represented at the Conference were parties or signatories to the International Agreement for the Regulation of Whaling signed at London on the 8th June, 1937.

The Conference having heard a statement on behalf of the Minister of Food of the United Kingdom on the present position of world stocks of oils and fats, and the prospects in the near future, came to the conclusion that, so far as whaling is concerned, some special relaxation of the Agreement of 1937 and the Protocol of 1938 was desirable for the season 1946/47.

On the other hand the Conference was impressed with two main considerations. In the first place it was of vital importance to further the conservation of existing whale stocks, which prior to the war were already showing signs of depletion. Secondly, it was of equal importance that any temporary relaxation of the existing regulations should not serve to encourage countries that had not taken part in whaling operations before to enter the industry only to find that ultimately their expeditions might not prove financially profitable.

The Conference had the advantage of perusing a number of papers submitted by the various delegates, and in particular was grateful to the Norwegian Delegation for the very full statistical material relating to the whaling industry as a whole which was of inestimable value.

The Conference adopted at its final meeting the following resolutions:—

- (i) "That it is desirable that a Protocol, in the terms of the Annex to this resolution,* should be signed and brought into force as soon as possible; that the Government of the United Kingdom is requested to make early arrangements for the signature of this Protocol by duly accredited representatives; that as this Protocol makes certain temporary amend-

* The Annex is omitted from this document in view of the fact that the Draft Protocol embodied therein is word for word as the Protocol signed on November 26, 1945 and reproduced on page 5 below.

ments to the Agreement of 1937, as amended by the Protocol of 1938, all Governments which are parties to those instruments should be invited either to sign the present Protocol or to accede thereto; that Governments which are signatories to the Agreement of 1937 and Protocol of 1938 but have not become parties thereto by ratification should be invited to ratify those instruments and to sign the annexed Protocol or to accede thereto; and that copies of this Final Act and the Annex thereto should be communicated to all such Governments which are not represented at the present Conference and to any other interested Governments."

- (ii) "That the Governments parties or signatories to the 1937 Agreement take such measures as may be appropriate to facilitate the exchange of scientific and other data on whales and whaling. The Conference likewise recommends the interchange of experts on whale biology and collaboration among those Governments on research and scientific studies pertaining to whales."
- (iii) "That the regulations of the several Governments should provide that (1) the official measurements as required in Article 16 of the 1937 Agreement shall be taken by the inspector when the whale is at rest on deck or platform in accordance with the definition of 'length' in Article 18 of that Agreement, and (2) the other data required by Article 16 shall be verified by the inspector at the time of tally."

The Conference considered a proposal by the Delegation of the United States of America that the contracting Governments should prohibit the sale, loan or delivery of vessels, equipment or supplies designed especially for whaling operations, or known to be intended for such operations, to any Government or the national of any Government not a party or a signatory to the whaling Agreement of 1937. The Conference, however, was unable, owing to uncertainty as to the necessary legislative powers in the various countries, to include these provisions in the Protocol, but recognising the vital necessity for this prohibition adopted the following resolution:—

- (iv) "That the various Governments should take all practicable steps to prohibit the sale, loan or delivery of vessels, equipment or supplies designed especially for whaling operations, or known to be intended for such operations, to any Government or the nationals of any Government not a party or signatory to the whaling Agreement of 1937."

The Conference also gave consideration to urgent representations by the Norwegian and United Kingdom representatives that as, owing to unforeseen circumstances, certain factory ships would be unable to reach the whaling grounds by the 24th November, 1945, they should be permitted to operate with a full complement of catchers for a continuous period of four months from the date in which they were able to commence operations.

The Conference recognised the vital importance of acquiring all the oil possible during the 1945/46 season, and considered that it would be highly detrimental to world oil supplies if the limited number of expeditions were unable to fish for the full four months owing to circumstances not only beyond their control, but due primarily to the aftermath of the war.

While unable to include any provision on this subject in the Protocol on account of the difficulty of obtaining the necessary ratifications in time for this provision to be effective, the Conference adopted the following further resolution:

- (v) "That every effort should be made to overcome the legal difficulties and obtain special authority for the required extension of the 1945/46 season in the case of the particular factory ships which cannot reach the grounds by the opening date."

Done in London the twenty-sixth day of November, 1945, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be transmitted to all signatory Governments.

(Here follow the names of the signatories for the Union of South Africa, Australia, Canada, Denmark, France, Mexico, Netherlands, Newfoundland, New Zealand, Norway, the United Kingdom and the United States of America.)

II

PROTOCOL

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the international Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June, 1938 (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by post-war conditions without prejudice to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946/47;

Have agreed as follows:—

ARTICLE 1

Subject to the provisions of Article 3 of the present Protocol, the period fixed by Article 7 of the Principal Agreement, during which factory ships or whalecatchers attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the season 1946/47 so as to cover the period from the 8th December to the 7th April inclusive.

ARTICLE 2

Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

ARTICLE 3

The prohibition contained in Article 1 of the Protocol of 1938 relating to the taking of hump back whales in any waters south of 40° south latitude shall apply during the season of 1946/47.

ARTICLE 4

(1) During the season of 1946/47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph 1 of this Article blue whale units shall be calculated on the basis that one blue whale equals—

- (a) Two fin whales or
- (b) Two and a half hump back whales or
- (c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within two days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and if it should appear that the annual quota provided by paragraph (1) of this Article may be reached before the 7th April, the International Bureau for Whaling Statistics shall be requested to determine, on the basis of the data provided, the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales shall be illegal after the date so determined.

ARTICLE 5

The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

ARTICLE 6

(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement; "factory ship", "whale-catcher", "land station", "baleen whale", "blue whale", "hump back whale", "fin whale."

(2) Sei whale means, for the purposes of this Protocol, any whale known by the name of balaenoptera borealis, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include Balaenoptera brydeei, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

ARTICLE 7

(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

ARTICLE 8

(1) The Present Protocol shall come into force in its entirety when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notifications of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6 (1), 6 (2) and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes, on the date of the deposit of its instrument of ratification of its accession.

The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and the Protocol of 1938.

ARTICLE 9

The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

In witness whereof the undersigned plenipotentiaries being duly authorised to this end by their respective Governments have signed the present Protocol.

Done at London this 26th day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

(Here follow the names of the signatories for the Union of South Africa, Australia, Canada, Denmark, France, Mexico, Netherlands, New Zealand, Norway, the United Kingdom and the United States of America.)

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CANADA

TREATY SERIES 1945

No. 22

FINANCIAL AGREEMENT

BETWEEN

CANADA AND BELGIUM

Signed at Ottawa, October 25, 1945

(With an Exchange of Notes)



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

CANADA

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OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF BELGIUM

Signed at Ottawa, October 25, 1945

AGREEMENT ENTERED INTO THIS 25th DAY OF OCTOBER, 1945

BETWEEN:

THE MINISTER OF FINANCE OF CANADA,

hereinafter referred to as "the Minister",

Of the First Part,

AND

THE GOVERNMENT OF BELGIUM

represented by its Ambassador Extraordinary and Plenipotentiary to Canada,
His Excellency A. Paternotte de la Vaillee,

Of the Second Part:

WHEREAS the Government of Belgium has requested the Government of Canada to make loans to the Government of Belgium to enable the said Government to purchase Canadian-produced goods for export to Belgium, the Grand Duchy of Luxembourg and the Belgian Congo; and

WHEREAS by Order in Council P.C. 6678 dated October 25, 1945, the Minister has been duly authorized under The Export Credits Insurance Act to make the loans hereinafter referred to, on behalf of the Government of Canada; and

WHEREAS the Ambassador of Belgium to Canada, His Excellency A. Paternotte de la Vaillee, has been duly authorized by the Government of Belgium to execute this agreement on behalf of the Government of Belgium.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the Agreement by the Government of Belgium hereinafter set forth to expend moneys received by it by way of loan as hereinafter provided, solely for the purpose of purchasing from exporters and paying the cost of Canadian-produced goods (which terms "exporters", "Canadian-produced goods" and "cost of Canadian-produced goods" in this Agreement have the meaning assigned to them by The Export Credits Insurance Act of Canada or any regulations made thereunder) exported or to be exported to Belgium, the Grand Duchy of Luxembourg or the Belgian Congo, and the mutual covenants hereinafter contained, it is hereby agreed as follows:—

1. Subject to the terms and conditions of this Agreement, the Minister, on behalf of the Government of Canada, agrees to lend to the Government of Belgium, such amounts not exceeding Twenty-five Million Canadian Dollars (\$25,000,000 Canadian) as may from time to time be requisitioned from the Minister by the Government of Belgium to enable the Government of Belgium to purchase from exporters and to pay the cost of Canadian-produced goods exported or to be exported from Canada to Belgium, the Grand Duchy of Luxembourg or the Belgian Congo.

2. The Minister will pay amounts requisitioned under paragraph one of this Agreement into the account of the National Bank of Belgium with the Bank of Canada, for the credit of the Government of Belgium.

3. The Government of Belgium will expend moneys received by it by way of loan under this Agreement solely for the purpose of purchasing from exporters and paying the cost of Canadian-produced goods exported or to be exported from Canada to Belgium, the Grand Duchy of Luxembourg or the Belgian Congo.

4. The Government of Belgium agrees to pay interest at the rate of three per centum per annum on each amount paid by the Minister into the said special account from the date when it is paid into the said special account until the date of consolidation of that particular amount of the debt into a consolidated debt to be evidenced by bonds of the Government of Belgium, as provided for in paragraphs 5 or 6 of this Agreement.

5. The Government of Belgium agrees that the amounts paid by the Minister into the account of the National Bank of Belgium for the credit of the Belgian Government, pursuant to this Agreement, during the period commencing on the date of the execution of this Agreement and ending on June 30, 1946, and interest thereon as provided in paragraph 4 of this Agreement, shall be consolidated into one amount called the consolidated debt at the end of the said period, and the Government of Belgium shall thereupon deliver to the Minister bonds of a face value equal to such consolidated debt, which bonds shall constitute valid, binding, absolute, and unconditional obligations of the Government of Belgium; the said bonds shall bear interest at the rate of three per centum per annum, payable semi-annually on the 31st day of December and the 30th day of June, and shall mature serially in thirty equal annual amounts of principal payable on the 30th of June, 1947, and on the 30th June in each year thereafter, up to and including the year 1976.

6. The Government of Belgium agrees that the amounts paid by the Minister into the account of the National Bank of Belgium for the credit of the Government of Belgium, pursuant to this Agreement, during the twelve months' period commencing July 1, 1946, and interest thereon, as provided for in paragraph 4 of this Agreement, shall be consolidated into one amount called the consolidated debt at the end of the said twelve months' period, and the Government of Belgium shall thereupon pay on the 30th June, 1947, one-thirtieth of the amount of such consolidated debt, and shall deliver to the Minister bonds of a face value equal to the remainder of such consolidated debt, which bonds shall constitute valid, binding, absolute and unconditional obligations of the Government of Belgium; the bonds shall bear interest at the rate of three per centum per annum, payable semi-annually on the 31st day of December and the 30th day of June and shall mature serially in twenty-nine equal annual amounts of principal payable on the 30th June, 1948, and on the 30th June in each year thereafter, up to and including the year 1976.

7. Any portion of the total amount of Twenty-five Million Canadian Dollars (\$25,000,000, Canadian) referred to in paragraph one of this Agreement, which has not been requisitioned by the Government of Belgium in accordance with the said paragraph one on or before the 30th day of June, 1947, shall lapse and be no longer payable by the Minister unless the parties hereto mutually agree otherwise.

8. It is mutually agreed by the Parties hereto that if the Government of Belgium fails to deliver bonds as heretofore provided at the end of any of the periods referred to in paragraphs 5 or 6 of this Agreement, or fails to redeem any of the bonds on maturity, the whole amount of the loan shall thereupon become due and payable.

9. It is mutually agreed by the Parties hereto that payments by the Government of Belgium shall be in Canadian dollars or fine gold at the option of the Government of Belgium. The value of fine gold shall be calculated on the basis of the buying price for gold of the Canadian Foreign Exchange Control Board (or successor agency) on the date of its delivery. During such period as foreign exchange regulations in Canada require that exports from Canada to Belgium result in the sale of a specified foreign currency to an Authorized Dealer of the Foreign Exchange Control Board (or successor agency) and permit Canadian importers of goods from Belgium to make payment therefor in such specified foreign currency, any Canadian dollars used by the Government of Belgium to effect payments under this Agreement shall be acquired by the sale to an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) of such specified foreign currency at the published official buying rate, or in such other manner as may be mutually agreed upon by the Government of Belgium and the Minister.

10. The Minister agrees that the Government of Belgium shall have the right to redeem any or all of the bonds prior to their maturities at par plus accrued interest if the Government of Belgium tenders payment in fine gold or Canadian dollars acquired in the manner provided by paragraph 9 of this Agreement.

Witness:

R. B. BRYCE.

J. L. ILSLEY,

Minister of Finance for Canada.

L. COUVREUR.

A. PATERNOTTE DE LA VAILLEE,
For the Government of Belgium.

APPENDIX

**EXCHANGE OF NOTES (OCTOBER 25 AND 27, 1945) BETWEEN
CANADA AND BELGIUM RELATING TO THE FINANCIAL
AGREEMENT SIGNED FOR THEM AT OTTAWA, OCTOBER 25,
1945.**

I

*The Canadian Minister of Finance
to the Ambassador of Belgium*

OTTAWA, October 25, 1945.

DEAR SIR,

In signing to-day with you the agreement for the provision of a credit of \$25,000,000 to the Government of Belgium under The Export Credits Insurance Act, I desire to place on record our understanding regarding our intention to proceed subsequently to increase the amount of this credit, our understanding regarding certain collateral points, and our understanding about the purchases which Belgium will make in Canada to be financed in Canadian dollars acquired from the sale of gold or foreign exchange convertible into gold.

In requesting the credit which has been furnished under the above-mentioned Agreement, you have asked that the amount be increased in the future in order to provide Belgium with enough Canadian funds to meet the cost of the program of purchases which your Government is contemplating in Canada. The amount you will require for this purpose will not be known until the amounts to be paid by Canada to Belgium in respect of currency, goods and services provided to the Canadian Army by Belgium have been determined, and furthermore our legislation does not permit us to provide you at this time with a credit of more than \$25,000,000.

I wish to assure you, however, that the Canadian Government will be prepared to amend the Agreement signed to-day in order to increase the amount of the credit being furnished to Belgium, provided that the Canadian Parliament increases the amount which the Government may lend under The Export Credits Insurance Act. I understand it is also the intention of your Government to increase the amount of credit specified in this Agreement after our legislation has been amended to make this possible and the total amount required by Belgium, which can be furnished by Canada, has been determined.

I wish also to record that I am prepared to agree to the redemption, under paragraph 10 of the Agreement, of the bonds to be given in accordance with the Agreement out of any Canadian dollars accruing to the Government of Belgium from current account transactions between Canada and Belgium (including Luxembourg and the Congo) and from the sale of Canadian securities held by residents of Belgium (including Luxembourg and the Congo), as authorized during the period in question by the Foreign Exchange Control Board (or successor agency). For this purpose, I shall be prepared to regard as current account transactions payments to Belgium in respect of currency, goods and services for the use of the Canadian Army. I am also prepared to agree to the use in the repayment of the credits advanced under the Agreement, of Canadian dollars acquired by Belgium from the International Monetary Fund or the International Bank for Reconstruction and Development. I also wish to confirm our understanding that the Foreign Exchange Control Board (or its successor agency) will sell to Belgium Canadian dollars in exchange for U.S. dollars, at the official rate in force on the day of the transaction, for the purpose of making repayments of the credit provided under the Agreement signed to-day.

I wish also to note that it is the intention of the two Governments that a certain proportion of the Canadian dollar requirements of Belgium shall be covered by the purchase from Canada of Canadian dollars for gold or foreign exchange convertible into gold. To implement this intention it is understood that the Government of Belgium, through the National Bank of Belgium, will within or at the end of each quarter year, commencing on or after to-day's date, during which the credits referred to in this letter are drawn upon, acquire Canadian dollars by the sale to Canada of gold or foreign exchange, convertible into gold, in an amount not less than twenty per cent of the amount of credit drawn during each such quarter year. Any acquisition of Canadian dollars by the sale to Canada of gold or foreign exchange convertible into gold between October 15, 1945, and the date of this Agreement will be included in this agreed amount and will reduce correspondingly the amount to be acquired in the next following quarterly period or periods. It is also understood that the Canadian dollars so acquired will be used to meet the current requirements of Belgium in Canada.

I would appreciate it if you would confirm the understandings set forth above.

Yours very truly,

J. L. ILSLEY,
Canadian Minister of Finance.

II

*The Ambassador of Belgium
to the Canadian Minister of Finance*

OTTAWA, October 27, 1945.

DEAR SIR,

I have the honour to acknowledge receipt of your letter of October 25 in which you refer to the Agreement for the provision of a credit of Twenty-five Million Canadian Dollars (\$25,000,000) to the Government of Belgium under The Export Credit Insurance Act and beg to confirm the understandings set forth in the said letter.

Yours very truly,

A. PATERNOTTE DE LA VAILLEE,
Ambassador of Belgium

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Canada. External Affairs Dept.

CANADA

TREATY SERIES, 1945

No. 23

FINAL ACT

OF THE

PARIS CONFERENCE ON REPARATIONS

(November 9th - December 21st, 1945)

CANADA

RECUEIL DES TRAITÉS 1945

N° 23

ACTE FINAL

DE LA

CONFÉRENCE DE PARIS SUR LES
RÉPARATIONS

9 novembre - 21 décembre 1945



OTTAWA
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TREATY SERIES, 1945
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**FINAL ACT OF THE CONFERENCE ON REPARATIONS HELD AT PARIS
FROM NOVEMBER 9th TO DECEMBER 21st, 1945**

CONFERENCE RECOMMENDATION

The Paris Conference on Reparation, which has met from 9 November 1945 to 21 December 1945, recommends that the Governments represented at the Conference should sign in Paris as soon as possible an Agreement on Reparation from Germany, on the Establishment of an Inter-Allied Reparation Agency and on the Restitution of Monetary Gold in the terms set forth below.

**ACTE FINAL DE LA CONFÉRENCE SUR LES RÉPARATIONS
TENUE À PARIS DU 9 NOVEMBRE AU 21 DÉCEMBRE 1945**

RECOMMANDATION DE LA CONFÉRENCE

La Conférence de Paris sur les Réparations, qui a siégé du 9 novembre 1945 au 21 décembre 1945, recommande aux Gouvernements qui y sont représentés de signer à Paris, aussitôt que possible, un Accord concernant les réparations à recevoir de l'Allemagne, l'institution d'une Agence Interalliée des Réparations et la restitution de l'or monétaire, dans les termes énoncés ci-après.

(Draft)

AGREEMENT ON REPARATION FROM GERMANY, ON THE ESTABLISHMENT OF AN INTER-ALLIED REPARATION AGENCY AND ON THE RESTITUTION OF MONETARY GOLD

The Governments of Albania, the United States of America, Australia, Belgium, Canada, Denmark, Egypt, France, the United Kingdom of Great Britain and Northern Ireland, Greece, India, Luxembourg, Norway, New Zealand, the Netherlands, Czechoslovakia, the Union of South Africa and Yugoslavia, in order to obtain an equitable distribution among themselves of the total assets which, in accordance with the provisions of this Agreement and the provisions agreed upon at Potsdam on 1 August 1945 between the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, are or may be declared to be available as reparation from Germany (hereinafter referred to as German reparation), in order to establish an Inter-Allied Reparation Agency, and to settle an equitable procedure for the restitution of monetary gold.

Have agreed as follows:

(Projet)

**ACCORD CONCERNANT LES RÉPARATIONS À RECEVOIR DE
L'ALLEMAGNE, L'INSTITUTION D'UNE AGENCE INTER-
ALLIÉE DES RÉPARATIONS ET LA RESTITUTION
DE L'OR MONÉTAIRE**

Les Gouvernements de l'Albanie, des Etats-Unis d'Amérique, de l'Australie, de la Belgique, du Canada, du Danemark, de l'Egypte, de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de la Grèce, de l'Inde, du Luxembourg, de la Norvège, de la Nouvelle-Zélande, des Pays-Bas, de la Tchécoslovaquie, de l'Union de l'Afrique du Sud et de la Yougoslavie, en vue de répartir équitablement entre eux le total des biens qui, conformément aux dispositions du présent Accord et des dispositions convenues à Potsdam, le 1er août 1945, entre les Gouvernements des Etats-Unis d'Amérique, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, et de l'Union des Républiques socialistes soviétiques, sont ou seront déclarés disponibles au titre des réparations à recevoir de l'Allemagne (ci-après dénommées "réparations allemandes"), en vue de créer une Agence Interalliée des Réparations et en vue d'établir une procédure équitable pour la restitution de l'or monétaire,

Sont convenus de ce qui suit:

PART I
GERMAN REPARATION

ARTICLE 1

Shares in Reparation

A. German reparation (exclusive of the funds to be allocated under Article 8 of Part I of this Agreement), shall be divided into the following categories:

Category A, which shall include all forms of German reparation except those included in *Category B*,

Category B, which shall include industrial and other capital equipment removed from Germany, and merchant ships and inland water transport.

B. Each signatory Government shall be entitled to the percentage share of the total value of *Category A* and the percentage share of the total value of *Category B* set out for that Government in the Table of Shares set forth below:

TABLE OF SHARES

Country	Category A	Category B
Albania.....	.05	.35
United States of America.....	28.00	11.80
Australia.....	.70	.95
Belgium.....	2.70	4.50
Canada.....	3.50	1.50
Denmark.....	.25	.35
Egypt.....	.05	.20
France.....	16.00	22.80
United Kingdom.....	28.00	27.80
Greece.....	2.70	4.35
India.....	2.00	2.90
Luxembourg.....	.15	.40
Norway.....	1.30	1.90
New Zealand.....	.40	.60
Netherlands.....	3.90	5.60
Czechoslovakia.....	3.00	4.30
Union of South Africa (o).....	.70	.10
Yugoslavia.....	6.60	9.60
 Total.....	 100.00	 100.00

C. Subject to the provisions of paragraph D below, each Signatory Government shall be entitled to receive its share of merchant ships determined in accordance with Article 5 of Part I of this Agreement, provided that its receipts of merchant ships do not exceed in value its share in *Category B* as a whole.

(o) The government of the Union of South Africa has undertaken to waive its claims to the extent necessary to reduce its percentage share of *Category B* to the figure of 0.1 per cent but is entitled, in disposing of German enemy assets within its jurisdiction, to charge the net value of such assets against its percentage share if *Category A* and a percentage share under *Category B* of 1.0 per cent.

PARTIE I
RÉPARATIONS ALLEMANDES

ARTICLE PREMIER
Quote-parts de réparations

A. Les réparations allemandes (à l'exception des fonds qui doivent être alloués aux termes de l'article 8 de la Partie I du présent Accord) sont divisées en catégories de la façon suivante:

Catégorie A, comprenant toutes les formes de réparations allemandes à l'exception de celles comprises dans la *Catégorie B*.

Catégorie B, comprenant tout l'outillage industriel et autres biens d'équipement en capital enlevés d'Allemagne, ainsi que les navires marchands et les bateaux de navigation intérieure.

B. Chaque Gouvernement signataire a droit, sur la valeur totale des biens de la *Catégorie A*, ainsi que sur la valeur totale des biens de la *Catégorie B*, aux pourcentages indiqués pour chacune de ces catégories dans les colonnes correspondantes du tableau ci-après:

Pays	Catégorie A	Catégorie B
Albanie	0,05	0,35
Etats-Unis d'Amérique	28,00	11,80
Australie	0,70	0,95
Belgique	2,70	4,50
Canada	3,50	1,50
Danemark	0,25	0,35
Egypte	0,05	0,20
France	16,00	22,80
Royaume-Uni	28,00	27,80
Grèce	2,70	4,35
Inde	2,00	2,90
Luxembourg	0,15	0,40
Norvège	1,30	1,90
Nouvelle-Zélande	0,40	0,60
Pays-Bas	3,90	5,60
Tchécoslovaquie	3,00	4,30
Union de l'Afrique du Sud (°)	0,70	0,10
Yugoslavie	6,60	9,60
 Total	 100,00	 100,00

C. Sous réserve des dispositions du paragraphe D ci-dessous, chaque Gouvernement signataire a le droit de recevoir, sur l'ensemble des navires marchands, une part déterminée conformément aux dispositions de l'article 5 de la Partie I du présent accord, à condition que la valeur des navires marchands qui lui sont attribués n'excède pas la valeur de la quote-part à laquelle il a droit dans l'ensemble des biens de la *Catégorie B*.

(°) Le Gouvernement de l'Union de l'Afrique du Sud s'est engagé à renoncer à ses droits dans la mesure qui sera nécessaire pour ramener sa quote-part dans la *Catégorie B* à 0,1 p. 100, mais ce Gouvernement aura le droit, lorsqu'il disposera des avoirs allemands de caractère ennemi se trouvant dans les territoires soumis à sa juridiction, d'imputer le montant de la valeur nette de ces avoirs sur sa quote-part dans la *Catégorie A* et sur une quote-part de 1 p. 100 dans la *Catégorie B*.

Subject to the provisions of paragraph D below, each Signatory Government shall also be entitled to its Category A percentage share in German assets in countries which remained neutral in the war against Germany.

The distribution among the Signatory Governments of forms of German reparation other than merchant ships, inland water transport and German assets in countries which remained neutral in the war, against Germany shall be guided by the principles set forth in Article 4 of Part I of this Agreement.

D. If a Signatory Government receives more than its percentage share of certain types of assets in either Category A or Category B, its receipts of other types of assets in that Category shall be reduced so as to ensure that it shall not receive more than its share in that Category as a whole.

E. No Signatory Government shall receive more than its percentage share of either Category A or Category B as a whole by surrendering any part of its percentage share of the other Category, except that with respect to German enemy assets within its own jurisdiction, any Signatory Government shall be permitted to charge any excess of such assets over its Category A percentage share of total German enemy assets within the jurisdiction of the Signatory Governments either to its receipts in Category A or to its receipts in Category B or in part to each Category.

F. The Inter-Allied Reparation Agency, to be established in accordance with Part II of this Agreement, shall charge the reparation account of each Signatory Government for the German assets within that Government's jurisdiction over a period of five years. The charges at the date of the entry into force of this Agreement shall be not less than 20 per cent of the net value of such assets (as defined in Article 6 of Part I of this Agreement) as then estimated, at the beginning of the second year thereafter not less than 25 per cent of the balance as then estimated, at the beginning of the third year not less than 33½ per cent of the balance as then estimated, at the beginning of the fourth year not less than 50 per cent of the balance as then estimated, at the beginning of the fifth year not less than 90 per cent of the balance as then estimated, and at the end of the fifth year the entire remainder of the total amount actually realized.

G. The following exceptions to paragraphs D and E above shall apply in the case of a Signatory Government whose share in Category B is less than its share in Category A:

(i) Receipts of merchant ships by any such Government shall not reduce its percentage share in other types of assets in Category B, except to the extent that such receipts exceed the value obtained when that Government's Category A percentage is applied to the total value of merchant ships.

(ii) Any excess of German assets within the jurisdiction of such Government over its Category A percentage share of the total of German assets within the jurisdiction of Signatory Governments as a whole shall be charged

Sous réserve des dispositions du paragraphe D ci-dessous, chaque Gouvernement signataire a également le droit de recevoir une part, correspondant à ses droits dans l'ensemble des biens de la Catégorie A, des avoirs allemands situés dans les pays qui sont demeurés neutres dans la guerre contre l'Allemagne.

La répartition entre les Gouvernements signataires des biens disponibles au titre des réparations allemandes, autres que les navires marchands, les bateaux de navigation intérieure et les avoirs allemands situés dans les pays qui sont demeurés neutres dans la guerre contre l'Allemagne, sera conforme aux principes énoncés à l'article 4 de la Partie I du présent accord.

D. Si un Gouvernement signataire reçoit une part supérieure à son pourcentage de certains types de biens ressortissant soit à la Catégorie A, soit à la Catégorie B, ses droits sur d'autres types de biens de la même catégorie seront réduits de telle sorte que ce Gouvernement ne reçoive pas au total une part supérieure à ses droits dans l'ensemble des biens de cette catégorie.

E. Aucun Gouvernement signataire ne peut recevoir une part supérieure à ses droits, soit dans l'ensemble des biens de la Catégorie A, soit dans l'ensemble des biens de la Catégorie B, en renonçant à une fraction quelconque de sa quote-part dans l'ensemble des biens de l'autre catégorie; toutefois, en ce qui concerne les avoirs allemands de caractère ennemi soumis à la juridiction d'un Gouvernement signataire, ce Gouvernement a le droit d'imputer, soit sur les biens à recevoir de la Catégorie A, soit sur les biens à recevoir de la Catégorie B, soit pour partie sur les biens de l'une et l'autre catégorie, l'excès de tels avoirs sur sa quote-part de l'ensemble des avoirs allemands de caractère ennemi soumis à la juridiction des Gouvernements signataires, telle qu'elle est fixée pour l'ensemble des biens de la Catégorie A.

F. L'Agence Interalliée des Réparations, qui doit être instituée conformément à la Partie II du présent Accord, débitera le compte réparations de chacun des Gouvernements signataires des avoirs allemands soumis à sa juridiction, en répartissant les débits sur une période de cinq ans. Les débits portés en compte à la date de l'entrée en vigueur du présent Accord ne doivent pas être inférieurs à 20 p. 100 de la valeur nette de ces avoirs (définie à l'art. 6 de la Partie I du présent Accord) selon l'estimation qui en sera faite à cette date; au début de la deuxième année, ils ne devront pas être inférieurs à 25 p. 100 du solde selon l'estimation qui en sera faite à cette date; au début de la troisième année, ils ne devront pas être inférieurs à 33½ p. 100 du solde, selon l'estimation qui en sera faite à cette date; au début de la quatrième année, ils ne devront pas être inférieurs à 50 p. 100 du solde, selon l'estimation qui en sera faite à cette date; au début de la cinquième année, ils ne devront pas être inférieurs à 90 p. 100 du solde, selon l'estimation qui en sera faite à cette date et, à la fin de la cinquième année, ils seront égaux au solde du montant total effectivement réalisé.

G. Les dérogations suivantes aux dispositions des paragraphes D et E ci-dessus sont applicables au cas d'un Gouvernement signataire, dont les droits dans l'ensemble des biens de la Catégorie B sont inférieurs aux droits dans l'ensemble des biens de la Catégorie A.

(i) L'attribution de navires marchands à un Gouvernement se trouvant dans cette situation ne doit pas réduire ses droits sur d'autres types de biens de la Catégorie B, sauf dans la mesure où de telles attributions dépassent en valeur le chiffre obtenu en appliquant à la valeur totale des navires marchands le pourcentage auquel a droit ce Gouvernement dans l'ensemble des biens de la Catégorie A.

(ii) Si la valeur des avoirs allemands soumis à la juridiction d'un Gouvernement se trouvant dans la même situation excède sa quote-part dans l'ensemble des avoirs allemands soumis à la juridiction des Gouvernements signataires, telle

first to the additional share in Category B to which that Government would be entitled if its share in Category B were determined by applying its Category A percentage to the forms of German reparation in Category B;

H. If any Signatory Government renounces its shares or part of its shares in German reparation as set out in the above Table of Shares, or if it withdraws from the Inter-Allied Reparation Agency at a time when all or part of its shares in German reparation remain unsatisfied, the shares or part thereof thus renounced or remaining shall be distributed rateably among the other Signatory Governments.

ARTICLE 2

Settlement of Claims against Germany

A. The Signatory Governments agree among themselves that their respective shares of reparation, as determined by the present Agreement, shall be regarded by each of them as covering all its claims and those of its nationals against the former German Government and its Agencies, of a governmental or private nature, arising out of the war (which are not otherwise provided for), including costs of German occupation, credits acquired during occupation on clearing accounts and claims against the Reichskreditkassen.

B. The provisions of paragraph A above are without prejudice to:

- (i) The determination at the proper time of the forms, duration or total amount of reparation to be made by Germany;
- (ii) The right which each Signatory Government may have with respect to the final settlement of German reparation, and
- (iii) Any political, territorial or other demands which any Signatory Government may put forward with respect to the peace settlement with Germany.

C. Notwithstanding anything in the provisions of paragraph A above, the present Agreement shall not be considered as affecting:

- (i) The obligation of the appropriate authorities in Germany to secure at a future date the discharge of claims against Germany and German nationals arising out of contracts and other obligations entered into, and rights acquired, before the existence of a state of war between Germany and the Signatory Government concerned or before the occupation of its territory by Germany, whichever was earlier;
- (ii) The claims of Social Insurance Agencies of the Signatory Governments or the claims of their nationals against the Social Insurance Agencies of the former German Government; and
- (iii) Banknotes of the Reichsbank and the Rentenbank, it being understood that their realization shall not have the result of reducing improperly the amount of reparation and shall not be effected without the approval of the Control Council for Germany.

D. Notwithstanding the provisions of paragraph A of this Article, the Signatory Governments agree that, so far as they are concerned, the Czechoslovak Government will be entitled to draw upon the Giro Account of the National Bank of Czechoslovakia at the Reichsbank, should such action be decided upon by the Czechoslovak Government and approved by the Control Council for Germany, in connection with the movement from Czechoslovakia to Germany of former Czechoslovak nationals.

qu'elle résulte du pourcentage qui lui est attribué dans l'ensemble des biens de la Catégorie A, la différence sera imputée en premier lieu sur la fraction additionnelle du pourcentage auquel ce Gouvernement aurait droit dans l'ensemble des biens de la Catégorie B, si l'on appliquait le pourcentage auquel il a droit dans l'ensemble des biens de la Catégorie A aux formes de réparations prévues dans la Catégorie B.

H. Si un Gouvernement signataire renonce à la totalité ou à une fraction de ses droits dans l'ensemble des réparations allemandes, tels qu'ils sont indiqués au tableau des parts ci-dessus, ou si ledit Gouvernement se retire de l'Agence Interalliée des Réparations à une époque où tout ou partie de ses droits dans les réparations allemandes n'ont pas été couverts, la part ou fraction de part à laquelle il renonce ou qui lui reste due au moment de son retrait sera répartie entre les autres Gouvernements signataires au prorata de leurs propres pourcentages.

ARTICLE 2

Règlement des créances sur l'Allemagne

A. Les Gouvernements signataires conviennent entre eux que leurs quote-parts respectives de réparations, telles qu'elles sont fixées par le présent accord, doivent être considérées par chacun d'eux comme couvrant toutes ses créances et celles de ses ressortissants sur l'ancien Gouvernement allemand et les Agences gouvernementales allemandes, créances qui ne font pas expressément l'objet d'autres dispositions, créances de caractère public ou privé, issues de la guerre, y compris le coût de l'occupation allemande, les avoirs en compte de clearing acquis pendant l'occupation et les créances sur les Reichskreditkassen.

B. Les dispositions du paragraphe A ci-dessus ne préjugent pas:

(i) La détermination, en temps utile, des formes, de la durée ou du montant total des réparations à effectuer par l'Allemagne;

(ii) Le droit que chacun des Gouvernements signataires peut avoir en ce qui concerne le règlement définitif des réparations allemandes;

(iii) Toutes revendications d'ordre politique, territorial ou autre, qu'un Gouvernement signataire pourra présenter à propos du règlement de la paix avec l'Allemagne.

C. Nonobstant les dispositions du paragraphe A ci-dessus, le présent Accord doit être considéré comme n'affectant pas:

(i) L'obligation qui incombe aux autorités allemandes compétentes d'assurer ultérieurement le paiement des dettes de l'Allemagne et de ses ressortissants, résultant de contrats et autres obligations qui étaient en vigueur, ainsi que de droits qui étaient acquis, avant que l'état de guerre existât entre l'Allemagne et le Gouvernement signataire intéressé ou avant l'occupation par l'Allemagne du pays intéressé, selon que l'un ou l'autre événement est survenu le plus tôt;

(ii) Les créances d'institutions d'Assurances Sociales des Gouvernements signataires ou de leurs ressortissants sur les institutions d'assurances sociales de l'ancien Gouvernement allemand;

(iii) Les billets de banque de la Reichsbank et de la Rentenbank, étant entendu que leur réalisation ne peut avoir pour conséquence de diminuer indûment la masse des réparations et ne pourra s'effectuer qu'avec l'accord du Conseil de Contrôle en Allemagne.

D. Nonobstant les dispositions du paragraphe A du présent article, les Gouvernements signataires conviennent, pour autant que la question les concerne, que le Gouvernement tchécoslovaque sera habilité à tirer sur le compte Giro de la Banque nationale de Tchécoslovaquie à la Reichsbank, dans le cas où telle mesure serait décidée par le Gouvernement tchécoslovaque et approuvée par le Conseil de Contrôle en Allemagne, en rapport avec le mouvement de Tchécoslovaquie vers l'Allemagne d'anciens ressortissants tchécoslovaques.

ARTICLE 3*Waiver of Claims Regarding Property Allocated as Reparation*

Each of the Signatory Governments agrees that it will not assert, initiate actions in international tribunals in respect of, or give diplomatic support to claims on behalf of itself or those persons entitled to its protection against any other Signatory Government or its nationals in respect of property received by that Government as reparation with the approval of the Control Council for Germany.

ARTICLE 4*General Principles for the Allocation of Industrial and other Capital Equipment*

A. No Signatory Government shall request the allocation to it as reparation of any industrial or other capital equipment removed from Germany except for use in its own territory or for use by its own nationals outside its own territory.

B. In submitting requests to the Inter-Allied Reparation Agency, the Signatory Governments should endeavour to submit comprehensive programs of requests for related groups of items, rather than requests for isolated items or small groups of items. It is recognized that the work of the Secretariat of the Agency will be more effective, the more comprehensive the programs which Signatory Governments submit to it.

C. In the allocation by the Inter-Allied Reparation Agency of items declared available for reparation (other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany), the following general principles shall serve as guides:

(i) Any item or related group of items in which a claimant country has a substantial prewar financial interest shall be allocated to that country if it so desires. Where two or more claimants have such substantial interests in a particular item or group of items, the criteria stated below shall guide the allocation.

(ii) If the allocation between competing claimants is not determined by paragraph (i), attention shall be given, among other relevant factors, to the following considerations:

(a) The urgency of each claimant country's needs for the item or items to rehabilitate, reconstruct or restore to full activity the claimant country's economy;

(b) The extent to which the item or items would replace property which was destroyed, damaged or looted in the war, or requires replacement because of excessive wear in war production, and which is important to the claimant country's economy;

(c) The relation of the item or items to the general pattern of the claimant country's prewar economic life and to programs for its postwar economic adjustment or development;

(d) The requirements of countries whose reparation shares are small but which are in need of certain specific items or categories of items.

(iii) In making allocations a reasonable balance shall be maintained among the rates at which the reparation shares of the several claimant Governments are satisfied, subject to such temporary exceptions as are justified by the considerations under paragraph (ii) (a) above.

ARTICLE 3

Renonciation aux créances sur les biens attribués au titre des réparations

Chacun des Gouvernements signataires s'engage à ne pas faire valoir, ni porter devant des tribunaux internationaux, ni soutenir par une action diplomatique des réclamations présentées en son nom ou au nom de personnes ayant droit à sa protection, contre tout autre Gouvernement signataire ou ses ressortissants, relatives à des biens reçus par ce Gouvernement au titre des réparations, avec l'approbation du Conseil de Contrôle en Allemagne.

ARTICLE 4

Principes généraux pour la répartition de l'outillage industriel ou d'autres biens d'équipement en capital

A. Aucun Gouvernement signataire ne devra demander l'attribution, dans sa part de réparations d'outillage industriel ou d'autres biens d'équipement en capital enlevés d'Allemagne si ce n'est aux fins d'utilisation sur son propre territoire, ou, en dehors de son territoire, par ses propres nationaux.

B. En soumettant leurs demandes à l'Agence interalliée des Réparations, les Gouvernements signataires s'efforceront de présenter des programmes d'ensemble comprenant des groupes de biens connexes plutôt que des demandes visant des biens isolés ou de petits groupes de biens. Il est reconnu que l'activité du Secrétariat de l'Agence sera d'autant plus efficace que les programmes que lui présenteront les Gouvernements signataires auront davantage le caractère de programmes d'ensemble.

C. Pour l'attribution des biens déclarés disponibles pour les réparations, autres que les navires marchands, les bateaux de navigation intérieure et les avoirs allemands dans les pays qui sont demeurés neutres au cours de la guerre contre l'Allemagne, l'Agence interalliée des Réparations s'inspirera des principes généraux suivants:

(i). Tout bien ou groupe de biens connexes, dans lesquels un pays demandeur possède des intérêts financiers substantiels antérieurs à la guerre, doit être attribué à ce pays, s'il le désire.

Dans le cas ou deux ou plusieurs pays demandeurs possèdent des intérêts substantiels de cette nature, dans un bien ou un groupe de biens définis, l'attribution doit se faire en tenant compte des critères énoncés ci-après;

(ii) Dans le cas de demandes concurrentes, si l'attribution n'est pas déterminée par les dispositions du paragraphe (i), il sera fait état, entre autres facteurs pertinents, des considérations suivantes:

(a) Le degré d'urgence du besoin qu'a chaque pays demandeur de disposer du bien ou des biens disponibles pour remettre en état, reconstruire ou d'une manière générale restaurer son économie nationale dans sa pleine activité;

(b) La mesure dans laquelle le bien, ou les biens remplaceraient des biens détruits, endommagés ou ayant fait l'objet de spoliations pendant la guerre, ou des biens qui doivent être remplacés à la suite d'usure anormale due à la production du temps de guerre, et qui sont susceptibles de jouer un rôle important dans l'économie du pays demandeur;

(c) Le rôle du bien ou des biens dont il s'agit dans le cadre général de l'économie d'avant-guerre du pays demandeur et dans les programmes établis en vue de l'ajustement et du développement de son économie d'après guerre;

(d) Les demandes des pays dont les quote-parts de réparations sont faibles, mais qui ont besoin de certains biens ou catégories de biens nettement déterminés;

(iii) Les programmes d'attribution devront conserver un équilibre raisonnable entre les différents ayants-droit en ce qui concerne la fraction déjà satisfaites de leurs quote-parts respectives, sous réserve des exceptions temporaires qui peuvent se justifier par les considérations du paragraphe (ii) (a) ci-dessus.

ARTICLE 5

General Principles for the Allocation of Merchant Ships and Inland Water Transport

A. (i) German merchant ships available for distribution as reparation among the Signatory Governments shall be distributed among them in proportion to the respective over-all losses of merchant shipping, on a gross tonnage basis, of the Signatory Governments and their nationals through acts of war. It is recognized that transfers of merchant ships by the United Kingdom and United States Governments to other Governments are subject to such final approvals by the legislatures of the United Kingdom and United States of America as may be required.

(ii) A special committee, composed of representatives of the Signatory Governments, shall be appointed by the Assembly of the Inter-Allied Reparation Agency to make recommendations concerning the determination of such losses and the allocation of German merchant ships available for distribution.

(iii) The value of German merchant ships for reparation accounting purposes shall be the value determined by the Tri-partite Merchant Marine Commission in terms of 1938 prices in Germany plus 15 per cent, with an allowance for depreciation.

B. Recognizing that some countries have special need for inland water transport, the distribution of inland water transport shall be dealt with by a special committee appointed by the Assembly of the Inter-Allied Reparation Agency in the event that inland water transport becomes available at a future time as reparation for the Signatory Governments.

The valuation of inland water transport will be made on the basis adopted for the valuation of merchant ships or on an equitable basis in relation to that adopted for merchant ships.

ARTICLE 6

German External Assets

A. Each Signatory Government shall, under such procedures as it may choose, hold or dispose of German enemy assets within its jurisdiction in manners designed to preclude their return to German ownership or control and shall charge against its reparation share such assets (net of accrued taxes, liens, expenses of administration, other *in rem* charges against specific items and legitimate contract claims against the German former owners of such assets).

B. The Signatory Governments shall give to the Inter-Allied Reparation Agency all information for which it asks as to the value of such assets and the amounts realized from time to time by their liquidation.

C. German assets in those countries which remained neutral in the war against Germany shall be removed from German ownership or control and liquidated or disposed of in accordance with the authority of France, the United Kingdom and the United States of America, pursuant to arrangements to be negotiated with the neutrals by these countries. The net proceeds of liquidation or disposition shall be made available to the Inter-Allied Reparation Agency for distribution on reparation account.

ARTICLE 5

Principes généraux pour la répartition des navires marchands et des bateaux de navigation intérieure

A. (i) Les navires de commerce allemands disponibles pour répartition au titre des réparations entre les Gouvernements signataires seront répartis entre ceux-ci au prorata des pertes globales respectives de navires marchands, calculées en prenant comme base le tonnage brut, que les Gouvernements signataires et leurs ressortissants ont subies par suite de faits de guerre. Il est reconnu que la cession de navires de commerce par les Gouvernements des Etats-Unis d'Amérique et du Royaume-Uni à d'autres gouvernements est effective sous réserve de telle approbation définitive par les organes législatifs de ces deux pays qui pourrait être nécessaire.

(ii) Un Comité spécial, composé de représentants des Gouvernements signataires, sera constitué par l'Assemblée de l'Agence interalliée des Réparations pour présenter des recommandations au sujet de la détermination de ces pertes et de l'attribution des navires de commerce allemands disponibles pour répartition.

(iii) La valeur des navires de commerce allemands portée dans les comptes de réparations sera la valeur fixée par la Commission tripartite de la Marine marchande sur la base des prix de 1938 en Allemagne, majorée de 15 p. 100 et avec application d'un coefficient de dépréciation.

B. En raison du fait reconnu que certains pays ont particulièrement besoin de bateaux de navigation intérieure, la répartition de ces bateaux sera confiée à un Comité spécial constitué par l'Assemblée de l'Agence Interalliée des Réparations dans les cas où des bateaux de navigation intérieure deviendraient disponibles ultérieurement au titre des réparations pour les Gouvernements signataires.

L'évaluation des bateaux de navigation intérieure sera faite sur la base adoptée pour la marine marchande ou sur une base équitable en rapport avec elle.

ARTICLE 6

Avoirs allemands à l'étranger

A. Chacun des Gouvernements signataires, par les méthodes de son choix, retiendra les avoirs allemands ennemis se trouvant dans les territoires soumis à sa juridiction, ou en disposera, de telle manière qu'ils ne puissent redevenir propriété allemande ou retomber sous contrôle allemand, et imputera sur sa quote-part de réparations les avoirs dont il s'agit (nets d'impôts arriérés, priviléges et frais de gestion, et libres de toutes autres charges *in rem* grevant des éléments déterminés de ces avoirs ainsi que de tous droits contractuels légitimes à l'égard des anciens propriétaires allemands de ces avoirs).

B. Les Gouvernements signataires communiqueront à l'Agence Interalliée des Réparations toutes les informations que celle-ci demandera sur le montant de ces avoirs et sur les produits périodiquement réalisés par la liquidation des dits avoirs.

C. La propriété ou le contrôle des avoirs allemands se trouvant dans les pays restés neutres pendant la guerre contre l'Allemagne sera retirée à l'Allemagne. Ces avoirs seront liquidés ou il en sera disposé, conformément aux décisions que peuvent prendre les Etats-Unis d'Amérique, la France et le Royaume-Uni, en exécution d'accords que ces puissances négocieront avec les pays neutres; le produit net de la liquidation ou des actes de disposition de ces avoirs sera mis à la disposition de l'Agence interalliée des Réparations pour être réparti au titre des réparations.

D. In applying the provisions of paragraph A above, assets which were the property of a country which is a member of the United Nations or its nationals who were not nationals of Germany at the time of the occupation or annexation of this country by Germany, or of its entry into war, shall not be charged to its reparation account. It is understood that this provision in no way prejudices any questions which may arise as regards assets which were not the property of a national of the country concerned at the time of the latter's occupation or annexation by Germany or of its entry into war.

E. The German enemy assets to be charged against reparation shares shall include assets which are in reality German enemy assets, despite the fact that the nominal owner of such assets is not a German enemy.

Each Signatory Government shall enact legislation or take other appropriate steps, if it has not already done so, to render null and void all transfers made, after the occupation of its territory or its entry into war, for the fraudulent purpose of cloaking German enemy interests, and thus saving them harmless from the effect of control measures regarding German enemy interests.

F. The Assembly of the Inter-Allied Reparation Agency shall set up a Committee of Experts in matters of enemy property custodianship in order to overcome practical difficulties of law and interpretation which may arise. The Committee should in particular guard against schemes which might result in effecting fictitious or other transactions designed to favour enemy interests, or to reduce improperly the amount of assets which might be allocated to reparation.

ARTICLE 7

Captured supplies

The value of supplies and other materials susceptible of civilian use captured from the German Armed Forces in areas outside Germany and delivered to Signatory Governments shall be charged against their reparation shares in so far as such supplies and materials have not been or are not, in the future either paid for or delivered under arrangements precluding any charge. It is recognized that transfers of such supplies and material by the United Kingdom and United States Governments to other Governments are agreed to be subject to such final approval by the legislature of the United Kingdom or the United States of America as may be required.

ARTICLE 8

Allocation of a Reparation Share to Non-repatriable Victims of German Action

In recognition of the fact that large numbers of persons have suffered heavily at the hands of the Nazis and now stand in dire need of aid to promote their rehabilitation but will be unable to claim the assistance of any Government receiving reparation from Germany, the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-Governmental Committee on Refugees, shall as soon as possible work out in common agreement a plan on the following general lines:

A. A share of reparation consisting of all the non-monetary gold found by the Allied Armed Forces in Germany and in addition a sum not exceeding 25 million dollars shall be allocated for the rehabilitation and resettlement of non-repatriable victims of German action.

D. Dans l'application des dispositions du paragraphe A ci-dessus, les avoirs qui étaient la propriété d'un pays membre des Nations Unies ou d'une personne ressortissant de ce pays et non de l'Allemagne au moment de l'annexion ou de l'occupation de ce pays par l'Allemagne ou de son entrée en guerre, ne seront pas imputés à son compte de réparations, étant entendu que la disposition qui précède ne préjuge aucune des questions qui pourraient se poser au sujet d'avoirs qui n'étaient pas la propriété d'un ressortissant du pays en question au moment de l'annexion ou de l'occupation de ce pays par l'Allemagne ou de son entrée en guerre.

E. Les avoirs allemands de caractère ennemi à imputer sur les quote-parts de réparations devront inclure les avoirs qui sont en réalité des avoirs allemands de caractère ennemi, même si le propriétaire apparent de tels avoirs n'est pas un Allemand de caractère ennemi.

Chaque Gouvernement signataire, si ce n'est déjà fait, devra promulguer des textes législatifs et prendre toutes autres mesures appropriées pour annuler tous les transferts effectués après l'occupation de son territoire ou son entrée en guerre, dans l'intention frauduleuse de dissimuler les intérêts allemands de caractère ennemi et de les soustraire aux effets des mesures de contrôle sur les intérêts allemands de caractère ennemi.

F. L'Assemblée de l'Agence interalliée des Réparations constituera un Comité d'Experts en matière de séquestre de biens ennemis en vue de résoudre les difficultés pratiques de droit et d'interprétation qui pourraient surgir. Le Comité devra veiller notamment à éviter tout ce qui pourrait avoir pour résultat le maintien de transactions fictives ou autres, destinées soit à favoriser des intérêts ennemis, soit à diminuer indûment la masse des biens susceptibles d'être affectée aux réparations.

ARTICLE 7

Approvisionnements capturés

La valeur des approvisionnements et autres matériels susceptibles de servir à des usages civils, pris aux forces armées allemandes hors d'Allemagne et remis à des Gouvernements signataires, sera imputée sur leurs parts de réparations pour autant que ces approvisionnements et ces matériels n'auront pas été payés, ou bien remis en vertu d'autres arrangements ne prévoyant pas de contre-partie.

Il est reconnu que les transferts de tels matériels et approvisionnements par les Gouvernements des Etats-Unis d'Amérique et du Royaume-Uni à d'autres Gouvernements sont soumis à telle approbation définitive par les organes législatifs de ces deux pays qui pourrait être nécessaire.

ARTICLE 8

Attribution d'une part des réparations aux victimes non rapatriables de l'action allemande

Etant donné qu'un grand nombre de personnes ont souffert cruellement du fait des nazis et ont actuellement un besoin impérieux d'être aidées pour leur "réhabilitation", mais ne peuvent demander l'assistance d'aucun Gouvernement recevant des réparations de l'Allemagne, les Gouvernements des Etats-Unis d'Amérique, de la France, du Royaume-Uni, de la Tchécoslovaquie et de la Yougoslavie, en consultation avec le Comité Intergouvernemental des Réfugiés, établiront d'urgence un plan, agréé d'un commun accord, et ce, sur les bases générales suivantes:

A. Une part des réparations constituée par l'ensemble de l'or non monétaire trouvé en Allemagne par les forces armées alliées et par une somme complémentaire n'excédant pas 25 millions de dollars sera affectée à la "réhabilitation" et au ré-établissement des victimes non rapatriables de l'action allemande.

B. The sum of 25 million dollars shall be met from a portion of the proceeds of German assets in neutral countries which are available for reparation.

C. Governments of neutral countries shall be requested to make available for this purpose (in addition to the sum of 25 million dollars) assets in such countries of victims of Nazi action who have since died and left no heirs.

D. The persons eligible for aid under the plan in question shall be restricted to true victims of Nazi persecution and to their immediate families and dependents, in the following classes:

(i) Refugees from Nazi Germany or Austria who require aid and cannot be returned to their countries within a reasonable time because of prevailing conditions;

(ii) German and Austrian nationals now resident in Germany or Austria in exceptional cases in which it is reasonable on grounds of humanity to assist such persons to emigrate and providing they emigrate to other countries within a reasonable period;

(iii) Nationals of countries formerly occupied by the Germans who cannot be repatriated or are not in a position to be repatriated within a reasonable time. In order to concentrate aid on the most needy and deserving refugees and to exclude persons whose loyalty to the United Nations is or was doubtful, aid shall be restricted to nationals or former nationals of previously occupied countries who were victims of Nazi concentration camps or of concentration camps established by regimes under Nazi influence but not including persons who have been confined only in prisoners of war camps.

E. The sums made available under paragraphs A and B above shall be administered by the Inter-Governmental Committee on Refugees or by a United Nations Agency to which appropriate functions of the Inter-Governmental Committee may in the future be transferred. The sums made available under paragraph C above shall be administered for the general purposes referred to in this article under a program of administration to be formulated by the five Governments named above.

F. The non-monetary gold found in Germany shall be placed at the disposal of the Inter-Governmental Committee on Refugees as soon as a plan has been worked out as provided above.

G. The Inter-Governmental Committee on Refugees shall have power to carry out the purposes of the fund through appropriate public and private field organizations.

H. The fund shall be used, not for the compensation of individual victims, but to further the rehabilitation or resettlement of persons in the eligible classes.

I. Nothing in this article shall be considered to prejudice the claims which individual refugees may have against a future German Government, except to the amount of the benefits that such refugees may have received from the sources referred to in paragraphs A and C above.

B. Cette somme de 25 millions de dollars sera prélevée sur le produit de la liquidation des avoirs allemands se trouvant dans les pays neutres et disponibles pour les réparations.

C. Les Gouvernements des pays neutres seront priés de rendre disponibles à cette fin (en sus de la somme de 25 millions de dollars) les avoirs dans lesdits pays appartenant à des victimes d'actes des nazis qui sont mortes depuis sans laisser d'héritiers.

D. Seules seront susceptibles d'être admises à bénéficier de l'assistance prévue par le plan dont il s'agit les personnes—ainsi que leur famille et les personnes à leur charge—qui ont été réellement victimes des persécutions nazies et qui appartiennent aux catégories suivantes:

(i) Réfugiés de l'Allemagne ou de l'Autriche nationales-socialistes qui ont besoin d'assistance et ne peuvent pas être renvoyés dans leur pays dans un délai raisonnable par suite des conditions existantes;

(ii) Ressortissants allemands et autrichiens résidant actuellement en Allemagne ou en Autriche, dans les cas exceptionnels où il est raisonnable, pour des considérations d'humanité, de les aider à émigrer et pourvu qu'ils émigrent effectivement dans un délai raisonnable;

(iii) Ressortissants des pays antérieurement occupés par les Allemands qui ne peuvent pas être rapatriés, ou ne sont pas à même de l'être dans un délai raisonnable. Afin de réserver toute l'assistance aux réfugiés les plus malheureux et les plus méritants, et d'exclure de son bénéfice les personnes dont la loyauté à l'égard des Nations Unies est, ou a été, douteuse, l'assistance ne sera accordée aux ressortissants ou anciens ressortissants des pays antérieurement occupés que s'ils ont été internés dans un camp de concentration nazi ou dans des camps de concentration institués par des régimes subissant l'influence nazie, non compris les personnes qui n'ont été internées que dans les camps de prisonniers de guerre.

E. Les fonds rendus disponibles conformément aux paragraphes A et B ci-dessus seront gérés par le Comité intergouvernemental des Réfugiés ou par un Organisme des Nations Unies auquel les fonctions que le Comité Intergouvernemental exerce dans ce domaine pourront être transférées dans l'avenir. Les fonds rendus disponibles aux termes du paragraphe C ci-dessus seront gérés pour les fins générales visées par le présent Article, conformément à un programme de gestion qui sera établi par les cinq Gouvernements ci-dessus.

F. L'or non monétaire trouvé en Allemagne sera mis à la disposition du Comité Intergouvernemental des Réfugiés aussitôt que le plan aura été élaboré.

G. Le Comité Intergouvernemental des Réfugiés aura le pouvoir d'assurer la réalisation des fins pour lesquelles le fonds est créé, par l'intermédiaire d'organismes d'exécution compétents de caractère public ou privé.

H. Les fonds seront employés non à indemniser des victimes individuelles, mais à faciliter la "réhabilitation" ou le ré-établissement des personnes appartenant aux catégories bénéficiaires de l'assistance.

I. Aucune disposition du présent article ne sera considérée comme préjugeant les réclamations que des réfugiés pourront être fondés à présenter à titre individuel à un Gouvernement allemand futur, sauf dans la mesure où ces réfugiés ont bénéficié des ressources prévues aux paragraphes A et C ci-dessus.

PART II.
INTER-ALLIED REPARATION AGENCY

ARTICLE 1

Establishment of the Agency

The Governments Signatory to the present Agreement hereby establish an Inter-Allied Reparation Agency (hereinafter referred to as "The Agency"). Each Government shall appoint a Delegate to the Agency and shall also be entitled to appoint an Alternate who, in the absence of the Delegate, shall be entitled to exercise all the functions and rights of the Delegate.

ARTICLE 2

Functions of the Agency

A. The Agency shall allocate German reparation among the Signatory Governments in accordance with the provisions of this Agreement and of any other agreements from time to time in force among the Signatory Governments. For this purpose, the Agency shall be the medium through which the Signatory Governments receive information concerning, and express their wishes in regard to, items available as reparation.

B. The Agency shall deal with all questions relating to the restitution to a Signatory Government of property situated in one of the Western Zones of Germany which may be referred to it by the Commander of that Zone (acting on behalf of his Government), in agreement with the claimant Signatory Government or Governments, without prejudice, however, to the settlement of such questions by the Signatory Governments concerned either by agreement or arbitration.

ARTICLE 3

Internal Organization of the Agency

A. The organs of the Agency shall be the Assembly and the Secretariat.

B. The Assembly shall consist of the Delegates and shall be presided over by the President of the Agency. The President of the Agency shall be the Delegate of the Government of France.

C. The Secretariat shall be under the direction of a Secretary General, assisted by two Deputy Secretaries General. The Secretary General and the two Deputy Secretaries General shall be appointed by the Governments of France, the United States of America and the United Kingdom. The Secretariat shall be international in character. It shall act for the Agency and not for the individual Signatory Governments.

ARTICLE 4

Functions of the Secretariat

The Secretariat shall have the following functions:

A. To prepare and submit to the Assembly programs for the allocation of German reparation;

B. To maintain detailed accounts of assets available for, and of assets distributed as, German reparation;

C. To prepare and submit to the Assembly the budget of the Agency;

D. To perform such other administrative functions as may be required.

PARTIE II
AGENCE INTERALLIÉE DES RÉPARATIONS

ARTICLE PREMIER
Constitution de l'Agence

Les Gouvernements signataires du présent accord établissent une Agence Interalliée des Réparations (ci-après appelée "l'Agence"). Chacun d'eux nomme un délégué à l'Agence et peut également nommer un délégué suppléant, lequel, en l'absence du délégué, a les fonctions et pouvoirs de celui-ci.

ARTICLE 2
Fonctions de l'Agence

A. L'Agence répartit entre les Gouvernements signataires les réparations allemandes conformément aux dispositions du présent Accord et de tous autres accords qui sont ou seront en vigueur entre les Gouvernements signataires. A cette fin, l'Agence est l'organe par lequel les Gouvernements signataires reçoivent les informations relatives aux prestations disponibles à titre de réparations et expriment leurs désiderata en la matière.

B. L'Agence traite toutes questions concernant la restitution à un Gouvernement signataire d'un bien situé dans l'une des zones occidentales d'Allemagne, qui lui sont déferées par le Commandant en chef de cette zone (agissant pour le compte de son Gouvernement), en accord avec le ou les Gouvernements demandeurs, sans préjuger toutefois le règlement de ces questions entre les Gouvernements signataires intéressés, soit par voie d'accord, soit par une procédure arbitrale.

ARTICLE 3
Organisation intérieure de l'Agence

A. Les organes de l'Agence sont l'Assemblée et le Secrétariat.
 B. L'Assemblée se compose des délégués; elle est présidée par le Président de l'Agence. Le Président de l'Agence est le délégué du Gouvernement français.

C. Le Secrétariat est sous la direction d'un Secrétaire Général, assisté de deux Secrétaires généraux adjoints. Le Secrétaire Général et les deux Secrétaires généraux adjoints sont nommés par les Gouvernements des Etats-Unis d'Amérique, de la France et du Royaume-Uni. Le Secrétariat a un caractère international. Il agit pour le compte de l'Agence et non pour le compte des Gouvernements signataires pris individuellement.

ARTICLE 4
Fonctions du Secrétariat

Les fonctions du Secrétariat sont les suivantes:

- A. Etablir des programmes pour la répartition des réparations allemandes et les soumettre à l'Assemblée;
- B. Tenir une comptabilité détaillée des biens disponibles au titre des réparations allemandes et des biens répartis à ce titre;
- C. Etablir le budget de l'Agence et le soumettre à l'Assemblée;
- D. Remplir telles autres fonctions administratives qui pourront être nécessaires.

ARTICLE 5

Functions of the Assembly

Subject to the provisions of Articles 4 and 7 of Part II of this Agreement, the Assembly shall allocate German reparation among the Signatory Governments in conformity with the provisions of this Agreement and of any other agreements from time to time in force among the Signatory Governments. It shall also approve the budget of the Agency and shall perform such other functions as are consistent with the provisions of this Agreement.

ARTICLE 6

Voting in the Assembly

Except as otherwise provided in this Agreement, each Delegate shall have one vote. Decisions in the Assembly shall be taken by a majority of the votes cast.

ARTICLE 7

Appeal from Decisions of the Assembly

A. When the Assembly has not agreed to a claim presented by a Delegate that an item should be allocated to his Government, the Assembly shall, at the request of that Delegate and within the time limit prescribed by the Assembly, refer the question to arbitration. Such reference shall suspend the effect of the decision of the Assembly on that item.

B. The Delegates of the Governments claiming an item referred to arbitration under paragraph A above shall select an Arbitrator from among the other Delegates. If agreement cannot be reached upon the selection of an Arbitrator, the United States Delegates shall either act as Arbitrator or appoint as Arbitrator another Delegate from among the Delegates whose Governments are not claiming the item. If the United States Government is one of the claimant Governments, the President of the Agency shall appoint as Arbitrator a Delegate whose Government is not a claimant Government.

ARTICLE 8

Powers of the Arbitrator

When the question of the allocation of any item is referred to arbitration under Article 7 of Part II of this Agreement, the Arbitrator shall have authority to make final allocation of the item among the claimant Governments. The Arbitrator may, at his discretion, refer the item to the Secretariat for further study. He may also, at his discretion, require the Secretariat to resubmit the item to the Assembly.

ARTICLE 9

Expenses

A. The salaries and expenses of the Delegates and of their staffs shall be paid by their own Governments.

B. The common expenses of the Agency shall be met from the funds of the Agency. For the first two years from the date of the establishment of the Agency, these funds shall be contributed in proportion to the percentage shares of the Signatory Governments in Category B and thereafter in proportion to their percentage shares in Category A.

C. Each Signatory Government shall contribute its share in the budget of the Agency for each budgetary period (as determined by the Assembly) at the

ARTICLE 5

Fonctions de l'Assemblée

Sous réserve des dispositions des articles 4 et 7 de la Partie II du présent Accord, l'Assemblée fait les attributions au titre des réparations allemandes entre les Gouvernements signataires conformément aux dispositions du présent Accord et de tous autres Accords qui sont ou seront en vigueur entre lesdits Gouvernements signataires. Elle approuve également le budget de l'Agence et remplit toutes autres fonctions compatibles avec les dispositions du présent Acte.

ARTICLE 6

Vote à l'Assemblée

Sauf dispositions contraires du présent Accord, chaque délégué dispose d'une voix. Les décisions de l'Assemblée sont prises à la majorité des votes exprimés.

ARTICLE 7

Recours contre les décisions de l'Assemblée

A. Lorsque l'Assemblée n'a pas donné satisfaction à la demande d'un délégué tendant à faire attribuer un bien à son Gouvernement, l'Assemblée porte la question à l'arbitrage, si ce délégué en fait la requête, dans le délai prescrit par l'Assemblée. L'effet de ce recours à l'arbitrage est suspensif.

B. Les délégués des Gouvernements qui demandent un bien dont l'attribution est soumise à l'arbitrage en vertu du paragraphe A ci-dessus, désignent un arbitre choisi parmi les autres délégués. Si l'accord ne peut se faire sur le choix de l'arbitre, le délégué des Etats-Unis d'Amérique assume les fonctions d'arbitre ou désigne un arbitre parmi les délégués dont les Gouvernements ne demandent pas le bien en question. Si le Gouvernement des Etats-Unis d'Amérique est l'un des Gouvernements qui demandent le bien dont il s'agit, le Président de l'Agence désigne comme arbitre un délégué dont le Gouvernement n'est pas dans la même situation.

ARTICLE 8

Pouvoirs de l'arbitre

Lorsque la question de l'attribution d'un bien est déférée à l'arbitrage, conformément à l'article 7 de la Partie II du présent Accord, l'arbitre a le pouvoir d'attribuer, en dernier ressort, le bien en question à l'un des Gouvernements demandeurs. L'arbitre peut, s'il le juge bon, renvoyer au Secrétariat, pour examen supplémentaire, l'attribution du bien en question. Il peut aussi, s'il le juge bon, demander au Secrétariat de soumettre à nouveau l'attribution du bien en question à l'Assemblée.

ARTICLE 9

Dépenses

A. Chaque Gouvernement paie les traitements et indemnités de ses délégués et du personnel de sa délégation.

B. Les dépenses communes de l'Agence sont payées sur les fonds de l'Agence. Ces fonds sont fournis par chaque Gouvernement signataire: pour les deux premières années à partir de l'établissement de l'Agence, proportionnellement à sa quote-part dans l'ensemble des biens de la Catégorie B, et, par la suite, proportionnellement à sa quote-part dans l'ensemble des biens de la Catégorie A.

C. Chaque Gouvernement signataire paie sa part contributive au budget de l'Agence pour chaque période budgétaire (telle qu'elle est définie par l'Assem-

beginning of that period; provided that each Government shall, when this Agreement is signed on its behalf, contribute a sum equivalent to not less than its Category B percentage share of £50,000 and shall, within three months thereafter, contribute the balance of its share in the budget of the Agency for the budgetary period in which this Agreement is signed on its behalf.

D. All contributions by the Signatory Governments shall be made in Belgian francs or such other currency or currencies as the Agency may require.

ARTICLE 10

Voting on the Budget

In considering the budget of the Agency for any budgetary period, the vote of each Delegate in the Assembly shall be proportional to the share of the budget for that period payable by his Government.

ARTICLE 11

Official Languages

The official languages of the Agency shall be English and French.

ARTICLE 12

Offices of the Agency

The seat of the Agency shall be in Brussels. The Agency shall maintain liaison offices in such other places as the Assembly, after obtaining the necessary consents, may decide.

ARTICLE 13

Withdrawal

Any Signatory Government, other than a Government which is responsible for the control of a part of German territory, may withdraw from the Agency after written notice to the Secretariat.

ARTICLE 14

Amendments and Termination

This Part II of the Agreement can be amended or the Agency terminated by a decision in the Assembly of the majority of the Delegates voting, provided that the Delegates forming the majority represent Governments whose shares constitute collectively not less than 80 per cent of the aggregate of the percentage shares in Category A.

ARTICLE 15

Legal Capacity. Immunities and Privileges

The Agency shall enjoy in the territory of each Signatory Government such legal capacity and such privileges, immunities and facilities, as may be necessary for the exercise of its functions and the fulfilment of its purpose. The representatives of the Signatory Governments and the officials of the Agency shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Agency.

blée), au début de cette période; étant entendu que chaque Gouvernement, lorsqu'il signe le présent Accord, fournit sur un total de 50,000 livres sterlings, une contribution au moins proportionnelle à sa quote-part dans l'ensemble des biens de la Catégorie B, et qu'il verse, dans les trois mois qui suivent, le solde de sa part contributive au budget de l'Agence pour la période budgétaire au cours de laquelle il signe cet Accord.

D. Toutes les sommes dues par les Gouvernements signataires sont acquittées en francs belges ou en une ou plusieurs autres monnaies fixées par l'Agence.

ARTICLE 10

Vote du budget

Lors de l'examen du budget de l'Agence pour toute période budgétaire, chaque délégué dispose à l'Assemblée d'un nombre de voix proportionnel à la part contributive due par son Gouvernement pour la période budgétaire considérée.

ARTICLE 11

Langues officielles

Les langues officielles de l'Agence sont l'anglais et le français.

ARTICLE 12

Bureaux de l'Agence

Le siège de l'Agence est à Bruxelles. L'Agence établit des organes de liaison dans tout autre lieu que peut désigner l'Assemblée après s'être assurée des accords nécessaires.

ARTICLE 13

Retrait

Tout Gouvernement signataire, autre que les Gouvernements responsables du contrôle dans une partie du territoire allemand, peut se retirer de l'Agence après avoir adressé une notification écrite au Secrétariat.

ARTICLE 14

Amendements et Dissolution

La Partie II du présent Accord peut être amendée, ou l'Agence dissoute, par une décision de l'Assemblée prise à la majorité des voix exprimées, pourvu que les délégués qui forment cette majorité représentent des Gouvernements dont le total des quote-parts constitue au moins 80 p. 100 de l'ensemble des quote-parts de la Catégorie A.

ARTICLE 15

Capacité juridique, Immunités et priviléges

L'Agence jouit, sur le territoire de chaque Gouvernement signataire, de la capacité juridique, ainsi que des priviléges, immunités et facilités qui lui sont nécessaires pour exercer ses fonctions et atteindre ses buts. Les représentants des Gouvernements signataires et les fonctionnaires de l'Agence jouissent également des priviléges et immunités qui leur sont nécessaires pour exercer en toute indépendance leurs fonctions en rapport avec l'Agence.

PART III
RESTITUTION OF MONETARY GOLD

Single Article

A. All the monetary gold found in Germany by the Allied Forces and that referred to in paragraph G below (including gold coins, except those of numismatic or historical value, which shall be restored directly if identifiable) shall be pooled for distribution as restitution among the countries participating in the pool in proportion to their respective losses of gold through looting or by wrongful removal to Germany.

B. Without prejudice to claims by way of reparation for unrestored gold, the portion of monetary gold thus accruing to each country participating in the pool shall be accepted by that country in full satisfaction of all claims against Germany for restitution of monetary gold.

C. A proportional share of the gold shall be allocated to each country concerned which adheres to this arrangement for the restitution of monetary gold and which can establish that a definite amount of monetary gold belonging to it was looted by Germany or, at any time after March 12, 1938, was wrongfully removed into German territory.

D. The question of the eventual participation of countries not represented at the Conference (other than Germany but including Austria and Italy) in the above-mentioned distribution shall be reserved, and the equivalent of the total shares which these countries would receive, if they were eventually admitted to participate, shall be set aside to be disposed of at a later date in such manner as may be decided by the Allied Governments concerned.

E. The various countries participating in the pool shall supply to the Governments of the United States of America, France and the United Kingdom, as the occupying Powers concerned, detailed and verifiable data regarding the gold losses suffered through looting by, or removal to, Germany.

F. The Governments of the United States of America, France and the United Kingdom shall take appropriate steps within the Zones of Germany occupied by them respectively to implement distribution in accordance with the foregoing provisions.

G. Any monetary gold which may be recovered from a third country to which it was transferred from Germany shall be distributed in accordance with this arrangement for the restitution of monetary gold.

PARTIE III
RESTITUTION DE L'OR MONÉTAIRE

Article unique

A. Tout l'or monétaire trouvé en Allemagne par les forces alliées et celui visé au paragraphe G ci-dessous (y compris les monnaies d'or, à l'exception de celles qui ont une valeur numismatique ou historique, qui seront restituées immédiatement si elles sont identifiables) sera réuni en une masse commune pour être répartie à titre de restitutions, entre les pays admis à bénéficier de cette masse, au prorata des quantités d'or qu'ils ont respectivement perdues du fait de spoliations par l'Allemagne ou de transferts illégitimes en Allemagne.

B. Sans préjudice des demandes visant l'or non restitué, présentées au titre des réparations, la quantité d'or monétaire revenant à chacun des pays admis à bénéficier de cette masse sera acceptée par ce dernier en règlement complet et définitif de toute créance sur l'Allemagne au titre des restitutions d'or monétaire.

C. Une part proportionnelle de l'or sera attribuée à chacun des pays intéressés qui accepte le présent arrangement concernant la restitution de l'or monétaire et qui peut établir qu'une quantité déterminée d'or monétaire lui appartenant a fait l'objet de spoliations par l'Allemagne ou, à une date quelconque après le 12 mars 1938, de transfert illégitime en territoire allemand.

D. La question de la participation éventuelle de pays non représentés à la Conférence (autres que l'Allemagne, mais y compris l'Autriche et l'Italie) à la répartition susmentionnée est réservée et l'équivalent de ce qui constituerait la totalité des quote-parts de ces Etats, s'ils venaient à être admis à cette répartition, sera mis en réserve pour qu'il en soit disposé ultérieurement selon ce qui sera décidé par les Gouvernements alliés intéressés.

E. Les divers pays admis à bénéficier de cette masse fourniront aux Gouvernements des Etats-Unis d'Amérique, de la France et du Royaume-Uni, en tant que Puissances occupantes intéressées, des renseignements détaillés et vérifiables sur les pertes d'or qu'ils ont subies du fait que l'Allemagne les a spoliés de cet or ou que cet or a été transporté sur son territoire.

F. Les Gouvernements des Etats-Unis d'Amérique, de la France et du Royaume-Uni prendront toutes mesures utiles dans les zones qu'ils occupent respectivement en Allemagne pour l'exécution d'une répartition conforme aux dispositions qui précédent.

G. Tout or monétaire qui pourra être récupéré d'un pays tiers dans lequel il a été transféré par l'Allemagne sera réparti conformément au présent arrangement concernant la restitution de l'or monétaire.

PART IV
ENTRY INTO FORCE AND SIGNATURE

ARTICLE 1

Entry into Force

This Agreement shall be open for signature on behalf of any Government represented at the Paris Conference on Reparation. As soon as it has been signed on behalf of Governments collectively entitled to not less than 80 per cent of the aggregate of shares in Category A of German reparation, it shall come into force among such Signatory Governments. The Agreement shall thereafter be in force among such Governments and those Governments on whose behalf it is subsequently signed.

ARTICLE 2

Signature

The signature of each contracting Government shall be deemed to mean that the effect of the present Agreement extends to the colonies and overseas territories of such Government, and to territories under its protection or suzerainty or over which it at present exercises a mandate.

In witness whereof, the undersigned, duly authorized by their respective Governments, have signed in Paris the present Agreement, in the English and French languages, the two texts being equally authentic, in a single original, which shall be deposited in the Archives of the Government of the French Republic, a certified copy thereof being furnished by that Government to each Signatory Government.*

For the Government of
For the Government of

, 194 .
, 194 .

* This Agreement was signed on behalf of Canada on the 30th January, 1946.

PARTIE IV
ENTRÉE EN VIGUEUR ET SIGNATURE

ARTICLE PREMIER

Entrée en vigueur

Le présent Accord pourra être signé par tout Gouvernement représenté à la Conférence de Paris sur les Réparations.

Dès qu'il aura été signé par des Gouvernements ayant droit collectivement à au moins 80 p. 100 des parts prévues pour les Gouvernements signataires dans la Catégorie A des réparations allemandes, il entrera en vigueur entre ces dits Gouvernements.

L'Accord sera ensuite en vigueur entre lesdits Gouvernements et tel Gouvernement qui le signerait ultérieurement.

ARTICLE 2

Signature

La signature par chaque Gouvernement contractant sera considérée comme impliquant que l'effet du présent Accord s'étend à ses colonies, territoires d'outre-mer et territoires sous sa protection, ou sa suzeraineté, ou sur lesquels il exerce actuellement un mandat.

En foi de quoi, les soussignés, dûment habilités par leurs Gouvernements respectifs, ont signé à Paris le présent Accord, en langues anglaise et française, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Gouvernement de la République française, lequel Gouvernement remettra copie conforme de ce texte à chacun des Gouvernements signataires.*

.....	Pour le Gouvernement de....., 194
.....	Pour le Gouvernement de....., 194

* Cet Accord a été signé au nom du Canada le 30 janvier 1946.

UNANIMOUS RESOLUTIONS BY THE CONFERENCE

The Conference has also unanimously agreed to include the following Resolutions in the Final Act:

1. German Assets in the Neutral Countries.

The Conference unanimously resolves that the countries which remained neutral in the war against Germany should be prevailed upon by all suitable means to recognize the reasons of justice and of international security policy which motivate the Powers exercising supreme authority in Germany and the other Powers participating in this Conference in their efforts to extirpate the German holdings in the neutral countries.

2. Gold transferred to the Neutral Countries.

The Conference unanimously resolves that, in conformity with the policy expressed by the United Nations Declaration Against Axis Acts of Dispossession of January 5th, 1943 and the United Nations Declaration on Gold of February 22nd, 1944, the countries which remained neutral in the war against Germany be prevailed upon to make available for distribution in accordance with Part III of the foregoing Agreement all looted gold transferred into their territories from Germany.

3. Equality of Treatment regarding Compensation for War Damage.

The Conference unanimously resolves that, in the administration of reconstruction or compensation benefits for war damage to property, the treatment accorded by each Signatory Government to physical persons who are nationals and to legal persons who are nationals of or are owned by nationals of any other Signatory Government, so far as they have not been compensated after the war for the same property under any other form or on any other occasion, shall be in principle not less favourable than that which the Signatory Government accords to its own nationals. In view of the fact that there are many special problems of reciprocity related to this principle, it is recognized that in certain cases the actual implementation of the principle cannot be achieved except through special agreements between Signatory Governments.

REFERENCE TO THE ANNEX TO THE FINAL ACT

During the course of the Conference, statements were made by certain Delegates, in the terms set out in the attached Annex, concerning matters not within the competence of the Conference but having a close relation with its work. The Delegates whose Governments are represented on the Control Council for Germany undertook to bring those statements to the notice of their respective Governments.

RÉSOLUTIONS UNANIMES DE LA CONFÉRENCE

La Conférence est aussi convenue à l'unanimité d'inclure les résolutions suivantes dans l'acte final:

1. Avoirs allemands dans les pays neutres

La Conférence décide à l'unanimité que, par tous moyens appropriés, les pays qui sont demeurés neutres pendant la guerre contre l'Allemagne, doivent être amenés à reconnaître le bien-fondé des considérations de justice et de sécurité internationale qui motivent les efforts que font les Puissances exerçant l'autorité suprême en Allemagne et les autres Puissances prenant part à la présente Conférence pour éliminer les avoirs allemands dans les pays neutres.

2. Or transféré dans les pays neutres

La Conférence décide à l'unanimité que, en conformité avec les directives exprimées dans la Déclaration des Nations Unies du 5 janvier 1943 contre les actes de dépossession commis par l'Axe et dans la déclaration des Nations Unies sur l'or du 22 février 1944, les pays qui sont demeurés neutres pendant la guerre contre l'Allemagne doivent être amenés à rendre disponible, pour répartition conformément à la Partie III de l'Accord ci-dessus, tout l'or ayant fait l'objet de spoliation et transféré d'Allemagne sur leur territoire.

3. Egalité de traitement pour l'indemnisation des dommages de guerre

La Conférence décide à l'unanimité que, en ce qui concerne l'octroi d'indemnités ou de compensation aux fins de reconstruction pour dommages de guerre aux biens, le traitement que chaque Gouvernement signataire accorde à des personnes physiques ressortissant à un autre Gouvernement signataire ou à des personnes morales qui relèvent d'un autre Gouvernement signataire ou qui appartiennent à des ressortissants d'un autre Gouvernement signataire — pour autant que ces personnes physiques ou morales n'ont pas été dédommagées après la présente guerre au titre des mêmes biens sous une autre forme ou à une autre occasion — ne sera en principe pas moins favorable que le traitement qu'il accorde à ses propres ressortissants. En raison du fait que ce principe touche à de nombreux problèmes spéciaux de réciprocité, il est reconnu que, dans certains cas, l'application en pratique de ce principe ne peut être assurée qu'au moyen d'accords particuliers conclus entre Gouvernements signataires.

RÉFÉRENCE À L'ANNEXE À L'ACTE FINAL

Au cours de la Conférence, certains délégués ont fait des déclarations, dans les termes énoncés à l'Annexe ci-jointe, au sujet de questions qui ne sont pas de la compétence de la Conférence, mais qui ont un rapport étroit avec ses travaux. Les délégués dont les Gouvernements sont représentés au Conseil de Contrôle en Allemagne se sont chargés de porter ces déclarations à la connaissance de leurs Gouvernements.

IN WITNESS WHEREOF the undersigned have signed the present Final Act of the Paris Conference on Reparation.

DONE in Paris on December 21, 1945, in the English and French languages, the two texts being equally authentic, in a single original, which shall be deposited in the Archives of the Government of the French Republic, certified copies thereof being furnished by that Government to all the Governments represented at that Conference.

Hysni KAPO, Delegate of Albania;

James W. ANGELL, Delegate of the United States of America;

E. Ronald WALKER, Delegate of Australia;

KAECKENBECK, Delegate of Belgium;

Maurice POPE, Delegate of Canada;

KRUSE, for the Delegate of Denmark;

, Delegate of Egypt;

Jacques RUEFF, Delegate of France;

S. D. WALEY, Delegate of the United Kingdom of Great Britain and Northern Ireland;

, Delegate of Greece;

P. CHANDHURI, Delegate of India.

[These signatures are appended in agreement with his Britannic Majesty's representative for the exercise of the functions of the Crown in its relations with the Indian States.]

WEHRER, Delegate of Luxembourg;

HELGEBY, Delegate of Norway;

S. D. WALEY, for the Delegate of New Zealand;

BOISSEVAIN, Delegate of the Netherlands;

VAVRO HAJDU, Delegate of Czechoslovakia;

Maurice POPE, for the Delegate of the Union of South Africa;

Ales BEBLER, Delegate of Yugoslavia.

EN FOI DE QUOI, les soussignés ont signé le présent Acte final de la Conférence de Paris sur les Réparations.

FAIT à Paris, le 21 décembre 1945, en langue anglaise et française, les deux textes faisant également foi, en un exemplaire unique qui sera conservé dans les archives du Gouvernement de la République française, lequel Gouvernement remettra copie conforme de ce texte à chacun des Gouvernements représentés à cette Conférence.

Hysni KAPO, Délégué de l'Albanie;

James W. ANGELL, Délégué des Etats-Unis d'Amérique;

E. Ronald WALKER, Délégué de l'Australie;

KAECKENDECK, Délégué de la Belgique;

Maurice POPE, Délégué du Canada;

KRUSE, pour le Délégué du Danemark;

, Délégué de l'Egypte;

Jacques RUEFF, Délégué de la France;

S. D. WALEY, Délégué du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord;

, Délégué de la Grèce;

P. CHANDHURI, Délégué de l'Inde;

(Ces signatures sont données en accord avec le Représentant de Sa Majesté Britannique, qui exerce les fonctions de la Couronne dans les relations de celles-ci avec les Etats Indiens.)

WEHRER, Délégué du Luxembourg;

HELGEBY, Délégué de la Norvège;

S. D. WALEY, pour le Délégué de la Nouvelle-Zélande;

BOISSEVAIN, Délégué des Pays-Bas;

Vavro HAJDU, Délégué de la Tchécoslovaquie;

Maurice POPE, pour le Délégué de l'Union de l'Afrique du Sud;

Ales BEBLER, Délégué de la Yougoslavie.

ANNEX

1. Resolution on the subject of Restitution.

The Albanian, Belgian, Czechoslovak, Danish, French, Greek, Indian, Luxembourg, Netherlands and Yugoslav Delegates agree to accept as the basis of a restitution policy the following principles:

(a) The question of the restitution of property removed by the Germans from the Allied countries must be examined in all cases in the light of the United Nations Declaration of January 5, 1943.

(b) In general, restitution should be confined to identifiable goods which (i) existed at the time of occupation of the country concerned, and were removed with or without payment; (ii) were produced during the occupation and obtained by an act of force.

(c) In cases where articles removed by the enemy cannot be identified, the claim for replacement should be part of the general reparation claim of the country concerned.

(d) As an exception to the above principles, objects (including books, manuscripts and documents) of an artistic, historical, scientific (excluding equipment of an industrial character), educational or religious character which have been looted by the enemy occupying Power shall, so far as possible, be replaced by equivalent objects if they are not restored.

(e) With respect to the restitution of looted goods which were produced during the occupation and which are still in the hands of German concerns or residents of Germany, the burden of proof of the original ownership of the goods shall rest on the claimants and the burden of proof that the goods were acquired by a regular contract shall rest on the holders.

(f) All necessary facilities under the auspices of the Commanders-in-Chief of the occupied Zones shall be given to the Allied States to send expert missions into Germany to search for looted property and to identify, store and remove it to its country of origin.

(g) German holders of looted property shall be compelled to declare it to the control authorities; stringent penalties shall be attached to infractions of this obligation.

2. Resolution on Reparation from Existing Stocks and Current Production.

The Delegates of Albania, Belgium, Czechoslovakia, Denmark, Egypt, France, Greece, India, Luxembourg, the Netherlands, Norway and Yugoslavia,

In view of the decision of the Crimea Conference that Germany shall make compensation to the greatest possible extent for the losses and suffering which she has inflicted on the United Nations,

Considering that it will not be possible to satisfy the diverse needs of the Governments entitled to reparation unless the assets to be allocated are sufficiently varied in nature and the methods of allocation are sufficiently flexible,

Express the hope that no category of economic resources in excess of Germany's requirements as defined in Part III, article 15 of the Potsdam Declaration, due account being taken of article 19 of the same Part, shall in principle be excluded from the assets, the sum total of which should serve to meet the reparation claims of the Signatory Governments.

ANNEXE

1. *Résolution au sujet des restitutions.*

Les Délégués de l'Albanie, de la Belgique, du Danemark, de la France, de la Grèce, de l'Inde, du Luxembourg, des Pays-Bas, de la Tchécoslovaquie, de la Yougoslavie sont d'accord pour accepter que la conduite à tenir en matière de restitutions soit fondée sur les principes suivants:

(a) La question de la restitution de biens prélevés par les Allemands dans les pays alliés doit être examinée dans tous les cas à la lumière de la Déclaration des Nations Unies du 5 janvier 1943;

(b) D'une façon générale, les restitutions seront limitées aux biens identifiables qui (i) existaient au moment où est intervenue l'occupation du pays en cause et qui ont été enlevés avec ou sans payement; (ii) ont été produits pendant l'occupation et dont l'enlèvement résulte d'un acte de force;

(c) Dans les cas où les biens enlevés par l'ennemi ne peuvent pas être identifiés, la demande de remplacement sera comprise dans la demande générale formulée par le pays intéressé au titre des réparations;

(d) Par dérogation aux principes ci-dessus, les objets (y compris les livres, manuscrits et documents) d'ordre artistique, historique, scientifique (à l'exclusion des objets de caractère industriel), pédagogique ou religieux, dont un pays a été spolié par la Puissance ennemie occupante seront, autant que possible, remplacés par des objets équivalents, pour autant qu'ils n'auront pas été restitués;

(e) Pour la restitution de biens produits pendant l'occupation qui auraient fait l'objet de spoliations et qui se trouveraient encore aux mains d'organismes allemands ou d'habitants de l'Allemagne, la preuve de l'origine incombera aux demandeurs et la preuve que l'acquisition résulte d'un contrat régulier incombera aux détenteurs;

(f) Toutes facilités nécessaires, sous les auspices des commandants en chef des zones d'occupation, seront données pour l'envoi en Allemagne par les Etats alliés de missions d'experts chargés de rechercher, d'identifier, d'entreposer et de transférer dans les pays d'origine les biens qui ont fait l'objet de spoliation;

(g) Les détenteurs allemands de biens qui ont fait l'objet d'une spoliation devront obligatoirement en faire la déclaration aux autorités de contrôle sous peine de sanctions rigoureuses.

2. *Résolution sur les réparations en provenance de la production courante et des stocks existants.*

Les Délégués de l'Albanie, de la Belgique, du Danemark, de l'Egypte, de la France, de la Grèce, de l'Inde, du Luxembourg, de la Norvège, des Pays-Bas, de la Tchécoslovaquie, de la Yougoslavie,

Vu la décision de la Conférence de Crimée qui prévoit que l'Allemagne devra compenser dans toute l'étendue du possible les pertes et les souffrances qu'elle a infligées aux Nations Unies;

Considérant que, les besoins divers des Gouvernements qui ont droit à des réparations ne pourront être satisfaits si les choses à répartir ne sont pas suffisamment variées et les méthodes de répartition suffisamment souples;

Expriment le vœu qu'aucune des catégories de ressources économiques excédant les besoins de l'Allemagne, tels qu'ils sont définis à l'article 15 de la Partie III des Déclarations de Potsdam et compte tenu de l'article 19 de cette même Partie, ne soit en principe omise des biens dont la masse doit servir à satisfaire les revendications des Gouvernements signataires au titre des réparations.

It thus follows that certain special needs of different countries will not be met without recourse, in particular, to German existing stocks, current production and services, as well as Soviet reciprocal deliveries under Part IV of the Potsdam Declaration.

It goes without saying that the foregoing shall be without prejudice to the necessity of achieving the economic disarmament of Germany.

The above-named Delegates would therefore deem it of advantage were the Control Council to furnish the Inter-Allied Reparation Agency with lists of existing stocks, goods from current production and services, as such stocks, goods or services become available as reparation. The Agency should, at all times, be in a position to advise the Control Council of the special needs of the different Signatory Governments.

3. Resolution regarding Property in Germany belonging to United Nations or their nationals.

The Delegates of Albania, Belgium, Czechoslovakia, France, Greece, Luxembourg, the Netherlands, Norway and Yugoslavia, taking into account the fact that the burden of reparation should fall on the German people, recommend that the following rules be observed regarding the allocation as reparation of property (other than ships) situated in Germany:

(a) To determine the proportion of German property available as reparation, account shall be taken of the sum total of property actually constituting the German economy, including assets belonging to a United Nation or to its nationals, but excluding looted property, which is to be restored.

(b) In general, property belonging legitimately to a United Nation or to its nationals, whether wholly owned or in the form of a shareholding of more than 48 per cent, shall so far as possible be excluded from the part of German property considered to be available as reparation.

(c) The Control Council shall determine the cases in which minority shareholdings of a United Nation or its nationals shall be treated as forming part of the property of a German juridical person and therefore having the same status as that juridical person.

(d) The foregoing provisions do not in any way prejudice the removal or destruction of concerns controlled by interests of a United Nation or of its nationals when this is necessary for security reasons.

(e) In cases where an asset which is the legitimate property of one of the United Nations or its nationals has been allocated as reparation, or destroyed, particularly in the cases referred to in paragraphs (b), (c), and (d) above, equitable compensation to the extent of the full value of this asset shall be granted by the Control Council to the United Nation concerned as a charge on the German economy. This compensation shall, when possible, take the form of a shareholding of equal value in German assets of a similar character which have not been allocated as reparation.

(f) In order to ensure that the property in Germany of persons declared by one of the United Nations to be collaborators or traitors shall be taken from them, the Control Council shall give effect in Germany to legislative measures and juridical decisions by courts of the United Nation concerned in regard to collaborators or traitors who are nationals of that United Nation or were nationals of that United Nation at the date of its occupation or annexation by Germany or entry into the war. The Control Council shall give to the Government of such United Nation facilities to take title to and possession of such assets and to dispose of them.

C'est ainsi que certains besoins particuliers de divers pays ne pourront être satisfaits sans recours, notamment, aux stocks existants, à la production courante et à des services de l'Allemagne, ainsi qu'aux contre-prestations fournies par l'Union soviétique en vertu de la Partie IV de la déclaration de Potsdam.

Il va de soi qu'il ne saurait être porté atteinte, à cette fin, aux nécessités du désarmement économique de l'Allemagne.

Les Délégations susdites verraient donc avantage à ce que le Conseil de contrôle fasse connaître à l'Agence Interalliée des Réparations les listes des stocks existants, des biens de production courante et des services, au fur et à mesure que ces stocks, ces biens ou ces services viendront à être disponibles au titre des réparations. L'Agence devra être à tout moment en mesure de faire connaître au Conseil les besoins particuliers des différents Gouvernements signataires.

3. Résolution relative aux biens des Nations Unies ou de leurs nationaux en Allemagne.

Les Délégués de l'Albanie, de la Belgique, de la France, de la Grèce, du Luxembourg, de la Norvège, des Pays-Bas, de la Tchécoslovaquie et de la Yougoslavie, tenant compte du fait que la charge des réparations doit incomber au peuple allemand,

Recommandent que les règles suivantes soient suivies en ce qui concerne l'attribution au titre des réparations de biens situés en Allemagne, autres que les navires.

(a) Pour déterminer la fraction du matériel allemand disponible au titre des réparations, il sera tenu compte de l'ensemble des biens faisant actuellement partie de l'économie allemande, y compris les avoirs appartenant à une Nation Unie ou à un de ses ressortissants, mais non compris les biens ayant fait l'objet de spoliation et qui doivent être restitués.

(b) D'une manière générale, les avoirs appartenant légitimement à une Nation Unie ou à ses ressortissants, soit en totalité, soit sous forme d'une participation de plus de 48 p. 100, ne seront, autant que possible, pas compris dans la fraction des biens de l'économie allemande considérée comme disponible au titre des réparations.

(c) Le Conseil de Contrôle déterminera les cas dans lesquels des participations minoritaires appartenant à une Nation Unie ou à ses nationaux seront traités comme faisant partie du patrimoine d'une personne morale allemande et suivront le sort de cette personne morale.

(d) Les dispositions qui précèdent ne font pas obstacle à ce que des entreprises contrôlées par des intérêts d'une Nation Unie ou de ses nationaux soient enlevées ou détruites pour des raisons de sécurité.

(e) Dans les cas où des avoirs appartenant légitimement à l'une des Nations Unies ou à ses ressortissants auront été alloués au titre des réparations, ou détruits, notamment dans les cas prévus aux paragraphes (b), (c) et (d), ci-dessus, une compensation équitable à la charge de l'économie allemande sera accordée par le Conseil de Contrôle à la Nation Unie intéressée à concurrence de la valeur totale des avoirs en question. Cette compensation sera, autant que possible, accordée sous la forme d'une participation équivalente dans des actifs allemands de nature semblable qui n'ont pas été distribués au titre des réparations.

(f) Pour assurer que les avoirs en Allemagne des collaborateurs et des traîtres, déclarés comme tels par une des Nations Unies soient enlevés à ceux-ci, le Conseil de Contrôle rendra exécutoires en Allemagne les dispositions législatives et les jugements des tribunaux des Nations Unies intéressées à l'égard des collaborateurs et des traîtres qui sont ressortissants de ces Nations Unies, ou étaient ressortissants de ces Nations Unies au moment de l'annexion, de l'occu-

4. Resolution on captured War Material.

The Delegates of Albania, Belgium, Denmark, Luxembourg, the Netherlands, Norway, Czechoslovakia and Yugoslavia, taking account of the fact that part of the war material seized by the Allied Armies in Germany is of no use to these Armies but would, on the other hand, be of use to other Allied countries recommend:

(a) That, subject to Resolution 1 of this Annex on the subject of restitution, war material which was taken in the Western Zones of Germany and which has neither been put to any use nor destroyed as being of no value, and which is not needed by the Armies of Occupation or is in excess of their requirements, shall be put at the disposal of countries which have a right to receive reparation from the Western Zones of Germany, and;

(b) That the competent authorities shall determine the available types and quantities of this material and shall submit lists to the Inter-Allied Reparation Agency, which shall proceed in accordance with the provisions of Part II of the above Agreement.

5. Resolution on German Assets in the Julian March and the Dodecanese.

The Delegates of Greece, the United Kingdom and Yugoslavia (being the Delegates of the countries primarily concerned), agree that:

(a) The German assets in Venezia Giulia (Julian March) and in the Dodecanese shall be taken into custody by the military authorities in occupation of those parts of the territory which they now occupy, until the territorial questions have been decided; and

(b) As soon as a decision on the territorial questions has been reached, the liquidation of the assets shall be undertaken in conformity with the provisions of Paragraph A of Article 6 of Part I of the foregoing Agreement by the countries whose sovereignty over the disputed territories has now been recognized.

6. Resolution on Costs relating to Goods Delivered from Germany as Reparation.

The Delegates of Albania, Australia, Belgium, Canada, Denmark, Egypt, France, Greece, India, Luxembourg, Norway, New Zealand, the Netherlands, Czechoslovakia and Yugoslavia, recommend that the costs of dismantling, packing, transporting, handling, loading and all other costs of a general nature relating to goods to be delivered from Germany as reparation, until the goods in question have passed the German frontier, and expenditure incurred in Germany for the account of the Inter-Allied Reparation Agency or of the Delegates of the Agency should, in so far as they are payable in a currency which is legal tender in Germany, be paid as a charge on the German economy.

7. Resolution on the Property of War Criminals.

The Delegates of Albania, Belgium, France, Luxembourg, Czechoslovakia and Yugoslavia express the view that:

(a) The legislation in force in Germany against German war criminals should provide for the confiscation of the property in Germany of those criminals, if it does not do so already;

pation par l'Allemagne desdites Nations ou de leur entrée en guerre. Le Conseil de Contrôle facilitera aux Nations Unies en question la prise de possession et le transfert des droits sur de tels avoirs.

4. Résolution au sujet du matériel de guerre capturé.

Les Délégués de l'Albanie, de la Belgique, du Danemark, du Luxembourg, de la Norvège, des Pays-Bas, de la Tchécoslovaquie et de la Yougoslavie,

Tenant compte du fait qu'une partie du matériel de guerre saisi par les Armées Alliées en Allemagne est inutile à ces Armées mais pourrait, par contre, être utile à d'autres pays alliés,

Recommandent:

(a) Que, sous réserve de la résolution 1 de la présente Annexe relative aux restitutions, le matériel de guerre saisi dans les zones occidentales de l'Allemagne qui n'a pas été utilisé jusqu'ici, ou n'a pas été détruit comme étant sans valeur, et qui n'est pas nécessaire aux forces d'occupation ou dépasse leurs besoins, soit mis à la disposition des pays ayant droit aux réparations des zones occidentales de l'Allemagne;

(b) Que les autorités compétentes, après avoir déterminé les catégories et les quantités de ce matériel disponibles, en fassent parvenir des listes à l'Agence Interalliée des Réparations qui procédera à leur égard, conformément aux dispositions de la Partie II de l'Accord ci-dessus.

5. Résolution relative aux avoirs allemands situés dans la Marche Julienne et le Dodécanèse.

Les Délégués de la Grèce, du Royaume-Uni et de la Yougoslavie (en tant que délégués des pays principalement intéressés) conviennent que:

(a) Les avoirs allemands situés dans la Vénitie Julienne (Marché Julienne), et dans le Dodécanèse, seront placés sous la garde des Autorités militaires d'occupation dans les parties du territoire que ces Autorités occupent respectivement à l'heure actuelle, jusqu'à ce qu'une décision soit intervenue au sujet des questions territoriales;

(b) Dès qu'une décision au sujet des questions territoriales sera intervenue, les pays qui seront reconnus souverains sur les territoires contestés se chargeraient de liquider les avoirs dont il s'agit, conformément aux dispositions de l'article 6, A de la Partie I de l'Accord ci-dessus.

6. Résolution sur les dépenses relatives aux livraisons de biens au titre des Réparations.

Les Délégués de l'Albanie, de l'Australie, de la Belgique, du Canada, du Danemark, de l'Egypte, de la France, de la Grèce, de l'Inde, du Luxembourg, de la Norvège, de la Nouvelle-Zélande, des Pays-Bas, de la Tchécoslovaquie et de la Yougoslavie, recommandent que les frais de démontage, d'emballage, de transport, de manutention, d'embarquement et tous autres frais généralement quelconques affectant les biens à livrer par l'Allemagne au titre de réparations jusqu'au moment où ces biens franchissent la frontière allemande, ainsi que les dépenses exposées en Allemagne pour le compte de l'Agence Interalliée des Réparations ou des délégués de l'Agence, soient supportés par l'économie allemande pour autant qu'ils sont payables dans une monnaie ayant cours légal en Allemagne.

7. Résolution relative aux biens des criminels de guerre.

Les délégués de l'Albanie, de la Belgique, de la France, du Luxembourg, de la Tchécoslovaquie et de la Yougoslavie, expriment le vœu:

(a) Que la législation applicable en Allemagne aux criminels de guerre allemand prévoie, si elle ne le fait déjà, la confiscation des biens que ces criminels possèdent en Allemagne;

(b) The property so confiscated, except such as is already available as reparation or restitution, should be liquidated by the Control Council and the net proceeds of the liquidation paid to the Inter-Allied Reparation Agency for division according to the principles set out in the foregoing Agreement.

8. Resolution on Recourse to the International Court of Justice.

The Delegates of Albania, Australia, Belgium, Denmark, France, Luxembourg, the Netherlands, Norway, Czechoslovakia and Yugoslavia recommend that:

Subject to the provisions of Article 3 of Part I of the foregoing Agreement, the Signatory Governments agree to have recourse to the International Court of Justice for the solution of every conflict of law or of competence arising out of the provisions of the foregoing Agreement which has not been submitted by the parties concerned to amicable solution or arbitration.

(b) Que les biens ainsi confisqués, à l'exception de ceux qui seraient déjà soit disponibles au titre des réparations, soit restituables, soient liquidés par le Conseil de Contrôle et que le produit net de leur liquidation soit versé à l'Agence Interalliée des Réparations pour être réparti suivant les principes définis dans l'Accord ci-dessus.

8. Résolution relative au recours devant la Cour Internationale de Justice.

Les délégués de l'Albanie, de l'Australie, de la Belgique, du Danemark, de la France, du Luxembourg, de la Norvège, des Pays-Bas, de la Tchécoslovaquie et de la Yougoslavie, recommandent que:

Sous réserve des dispositions de l'article 3 de la Partie I de l'Accord ci-dessus, les Gouvernements signataires s'engagent à recourir à la Cour de Justice Internationale pour la solution de tout conflit de droit ou de compétence, qui surgirait à propos de l'application de l'Accord ci-dessus et qui n'aurait pas été par accord des Parties au conflit, soumis à une procédure amiable ou arbitrale.

CANADA, ExTer

TREATY SERIES, 1945

No. 24

EXCHANGE OF NOTES

(August 23, September 11, 1945)

BETWEEN

CANADA and FRANCE

CONSTITUTING AN AGREEMENT
WITH RESPECT TO
FINANCIAL SETTLEMENTS BETWEEN
CANADA AND THE FRANC AREA

Effective September 11, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A. L.P.
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948



CANADA

TREATY SERIES, 1945

No. 24

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OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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1948

SUMMARY

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**EXCHANGE OF NOTES (AUGUST 23, SEPTEMBER 11, 1945) BETWEEN
CANADA AND FRANCE CONSTITUTING AN AGREEMENT WITH
RESPECT TO FINANCIAL SETTLEMENTS BETWEEN CANADA
AND THE FRANC AREA.**

I

*The French Ambassador to Canada to the Under-Secretary
of State for External Affairs*

AMBASSADE DE FRANCE AU CANADA

OTTAWA, le 23 août 1945.

No 160

Monsieur le sous-secrétaire d'Etat,

Le ministère canadien des Finances d'une part et le conseiller commercial de l'Ambassade de France agissant sur les instructions du ministère français des Finances d'autre part ont défini d'un commun accord les modalités selon lesquelles seront effectués les paiements entre le Canada et la zone-franc.

Les conversations ainsi engagées ont abouti à la rédaction d'un memorandum qui a reçu l'accord du gouvernement français et que j'ai l'honneur de vous transmettre sous ce pli.*

Le memorandum ci-joint tient compte dans sa rédaction actuelle des observations formulées par le ministre canadien des Finances dans sa lettre du 22 juin 1945 au conseiller commercial de l'Ambassade de France.

Je vous confirme, d'autre part, que le gouvernement français est entièrement d'accord sur l'interprétation donnée au présent memorandum par le ministre canadien des Finances dans sa lettre ci-dessus visée.

Le gouvernement français comprend notamment que le gouvernement canadien n'est pas actuellement disposé à autoriser l'utilisation, pour des paiements au Canada, de capitaux appartenant au Canada à des résidents de la zone-franc. Toutefois, il est entendu que chaque cas particulier pourra, à cet égard, être examiné d'un commun accord à la lumière des circonstances et, d'autre part, que toutes les sommes actuellement détenues par le séquestre des biens ennemis pourront être utilisées par le gouvernement français pour des paiements au Canada sans qu'il y ait lieu de distinguer si ces sommes proviennent de revenus ou de capitaux.

Je vous serais obligé de vouloir bien me confirmer l'accord définitif du gouvernement canadien sur ces différents points ainsi que sur le memorandum ci-joint.

Veuillez agréer, monsieur le sous-secrétaire d'Etat, les assurances de ma plus haute considération.

J. DE HAUTECLOCQUE.

*For this memorandum see Annex I below.

(*Translation*)

OTTAWA, 23rd August, 1945.

No. 160

Sir,

The Canadian Department of Finance, on the one hand, and the Commercial Counsellor of the French Embassy acting on instructions from the French Department of Finance, on the other hand, have agreed on a definition of methods to effect payments between Canada and the franc area.

The conversations thus conducted have resulted in a draft memorandum which has received the approval of the French Government and which I have the honour to transmit to you herewith.*

The attached memorandum, in its present form, takes into consideration the comments made by the Canadian Minister of Finance in his letter of June 22, 1945, to the Commercial Counsellor of the French Embassy.

I further confirm to you that the French Government is in entire agreement with the interpretation given to this memorandum by the Canadian Minister of Finance in his letter referred to above.

The French Government understands, in particular, that the Canadian Government at present is not disposed to authorise the utilization, for payments in Canada, of "capitaux" owned in Canada by residents of the franc area. However, it is understood that each individual case, may, in this regard, by mutual agreement, be considered in the light of circumstances, and, further, that all the sums at present held by the Custodian of Enemy Property may be utilized by the French Government for payments in Canada without it being necessary to determine whether these sums arise out of income or capital.

I should be obliged if you would be so good as to confirm the definitive agreement of the Canadian Government on these different points, as well as on the attached memorandum.

Accept, Sir, the assurances of my highest consideration.

J. DE HAUTECLOCQUE.

II

*The Secretary of State for External Affairs to the
French Ambassador*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, September 11, 1945.

No. 62

Excellency,

I have the honour to refer to your note No. 160 of August 23 regarding the transfer of funds between Canada and the franc area.

I am pleased to inform you that the arrangements detailed in your note and in the attached memorandum accord with my understanding of the discussions at the meeting to which you refer, and that the Government of Canada is in entire agreement with the arrangements as described.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,
*For the Secretary of State
for External Affairs.*

*For this memorandum see Annex I below.

ANNEX

*Memorandum Attached to the French Ambassador's Note
of August 23, 1945*

RÈGLEMENTS FINANCIERS ENTRE LE CANADA ET LA
ZONE FRANC

Les paiements entre le Canada et la zone franc seront effectués conformément aux dispositions suivantes:

1. Tous les dollars canadiens détenus par la Banque de France seront portés à un compte unique en dollars canadiens. Ce compte sera crédité

a) des dollars canadiens que la Banque de France achètera à des personnes résidant dans la zone franc (dollars canadiens correspondant soit à des revenus, soit à des capitaux),

b) des dollars canadiens versés par la Banque du Canada pour l'acquisition de francs français en vue de paiements dans la zone franc,

c) des dollars canadiens provenant de la vente de fonds USA au Canada.

2. Les paiements de la zone franc au Canada seront faits

a) en dollars canadiens provenant des sources officielles visées au paragraphe 1 ci-dessus, lorsqu'il s'agira

(i) de paiements officiels français (achats par l'intermédiaire de la Mission française d'Achats au Canada et dépenses des missions diplomatiques françaises au Canada)

(ii) des paiements de Saint-Pierre et Miquelon.

b) en dollars des Etats-Unis dans tous les autres cas.

3. Les paiements du Canada dans la zone franc seront faits, en principe, en dollars des Etats-Unis, sous réserve des deux exceptions ci-après:

a) les paiements à recevoir pour le compte de Saint-Pierre et Miquelon seront faits en dollars canadiens.

b) la Banque du Canada pourra continuer à acquérir des francs contre dollars canadiens en vue d'effectuer des paiements dans la zone franc.

4. a) Le solde créditeur en francs du compte de la Banque du Canada chez la Banque de France pourra à tout moment être converti en dollars des Etats-Unis.

b) En raison de l'importance des paiements que le gouvernement français devra effectuer au Canada pendant une certaine période de temps, il n'y a pas lieu d'envisager actuellement la conversion en dollars des Etats-Unis du solde créditeur du compte de la Banque de France chez la Banque du Canada. Toutefois, si l'évolution des circonstances devait conduire ultérieurement à l'accumulation au crédit du compte de la Banque de France chez la Banque du Canada d'un solde de dollars canadiens excédant les besoins du gouvernement français pour ses paiements au Canada, ce solde pourrait être converti en dollars des Etats-Unis.

ANNEX

*Memorandum Attached to the French Ambassador's Note
of August 23, 1945*

(Translation)

FINANCIAL SETTLEMENTS BETWEEN CANADA AND
THE FRANC AREA

Payments between Canada and the franc area shall be made in accordance with the following provisions:

1. All Canadian dollars held by the Bank of France shall be entered in a single Canadian dollar account. This account shall be credited with:
 - (a) Canadian dollars bought by the Bank of France from persons residing in the franc area (Canadian dollars representing either income or capital).
 - (b) Canadian dollars paid by the Bank of Canada to obtain French francs for payments in the franc area.
 - (c) Canadian dollars arising out of the sale of United States funds in Canada.
2. Payments from the franc area in Canada shall be made
 - (a) In Canadian dollars derived from the official sources described in paragraph 1 above, in the case of:
 - (i) French official payments (purchases through the French Purchasing Mission to Canada and expenses of the French diplomatic missions to Canada).
 - (ii) Payments from St. Pierre and Miquelon.
 - (b) In United States dollars in all other cases.
3. Payments from Canada in the franc area shall be made, as a rule, in United States dollars, subject to the following two exceptions:
 - (a) Payments receivable for the account of St. Pierre and Miquelon shall be made in Canadian dollars.
 - (b) The Bank of Canada may continue to acquire francs against Canadian dollars for payments in the franc area.
4. (a) The franc credit balance held by the Bank of France for the Bank of Canada may at any time be converted into United States dollars.
 - (b) In view of the importance of the payments to be made in Canada by the French Government for a certain period, there is no need at present to consider the conversion into United States dollars of the credit balance held by the Bank of Canada for the Bank of France. Should, however, circumstances develop which would lead subsequently to the accumulation in the Bank of France's account with the Bank of Canada of a Canadian dollar credit balance in excess of the French Government's requirements for its payments in Canada, this balance could be converted into United States dollars.

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CANADA

TREATY SERIES, 1945

No. 25

FINANCIAL AGREEMENT

BETWEEN

CANADA AND CZECHOSLOVAKIA

Signed at Ottawa, March 1, 1945

Came into force March 1, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1945

No. 25

FINANCIAL AGREEMENT
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CANADA AND CZECHOSLOVAKIA

Signed at Ottawa, March 1, 1945

Came into force March 1, 1945



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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**FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF CZECHOSLOVAKIA***

Signed at Ottawa, March 1, 1945

AGREEMENT ENTERED INTO AT OTTAWA, THIS 1st DAY
OF MARCH, 1945,

BETWEEN:

THE MINISTER OF FINANCE OF CANADA
hereinafter referred to as "the Minister",

Of the First Part,

AND

THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC
represented by its Envoy Extraordinary and Minister Plenipotentiary
to Canada, Dr. Frantisek Pavlasek,

Of the Second Part:

WHEREAS the Government of the Czechoslovak Republic has requested the Government of Canada to make a loan to the Government of the Czechoslovak Republic to enable the said Government to purchase certain Canadian-produced goods (more fully referred to in Schedule "A" hereto), for export to Czechoslovakia when that country is freed from German occupation; and

WHEREAS by Order in Council P.C. 1353 dated February 27th, 1945, the Minister of Finance has been duly authorized under The Export Credits Insurance Act to make the loan hereinafter referred to on behalf of the Government of Canada.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the undertaking by the Government of the Czechoslovak Republic to utilize the proceeds of the loan hereinafter provided in paying the cost of Canadian-produced goods purchased from exporters in Canada for export to Czechoslovakia, and of the mutual covenants hereinafter contained, it is hereby agreed as follows:

1. The Minister agrees to give to the Government of the Czechoslovak Republic credit, on the terms and subject to the conditions hereinafter specified, of fifteen million dollars, Canadian, (\$15,000,000) to enable the said Government to pay the cost of the Canadian-produced goods referred to in Schedule "A" hereto, which goods are to be purchased from exporters in Canada and exported by the said Government to Czechoslovakia.

2. The Government of the Czechoslovak Republic agrees to utilize the said credit in purchasing from Canadian exporters the Canadian-produced goods referred to in Schedule "A" hereto, in the quantities therein specified, subject to such variations in quantity and such substitutions or additions of other Canadian-produced goods as may be agreed upon by the said Government and the Minister of Trade and Commerce of Canada.

3. The Minister agrees to make the necessary arrangements with the Bank of Canada to open a special account in favour of the Government of the Czechoslovak Republic and to pay into the said account from time to time as mutually

*Amended by an Agreement signed at Ottawa, June 26, 1945 (*Treaty Series 1945, No. 28*).

agreed upon within a period of twelve months commencing on the date of the first payment hereunder, amounts which are requisitioned by the said Government to pay the cost of the goods purchased or to be purchased by the said Government in Canada, the total of such amounts not to exceed FIFTEEN MILLION DOLLARS, Canadian, (\$15,000,000).

4. The Government of the Czechoslovak Republic agrees to pay interest on each of the amounts paid into the said special account at the rate of two and one half ($2\frac{1}{2}$) per cent per annum, from the time they are paid into the said account until the end of the said twelve-months period.

5. The Government of the Czechoslovak Republic agrees that at the end of the said twelve-months period the total amount borrowed by the said Government and paid by the Minister into the said special account, and interest thereon as provided for under clause 4 of this agreement, shall be consolidated into a debt which shall thereupon be acknowledged by delivery to the Minister of bonds which constitute valid, binding, absolute and unconditional obligations of the Government of the Czechoslovak Republic. The said bonds shall bear interest at the rate of two and one half ($2\frac{1}{2}$) per cent per annum, payable semi-annually on the first day of January and the first day of July, and shall be for terms of four, five, six, seven and eight years, as follows:

20% of the consolidated debt shall be evidenced by four year bonds maturing at the end of five years from the date of the first payment by the Minister into the special account as provided for under clause 3 of this agreement.

20% of the consolidated debt shall be evidenced by five year bonds maturing at the end of six years from the date of the first payment by the Minister into the special account as provided for under clause 3 of this agreement;

20% of the consolidated debt shall be evidenced by six year bonds maturing at the end of seven years from the date of the first payment by the Minister into the special account as provided for under clause 3 of this agreement;

20% of the consolidated debt shall be evidenced by seven year bonds maturing at the end of eight years from the date of the first payment by the Minister into the special account as provided for under clause 3 of this agreement;

20% of the consolidated debt shall be evidenced by eight year bonds maturing at the end of nine years from the date of the first payment by the Minister into the special account as provided for under clause 3 of this agreement.

6. It is mutually agreed by the parties hereto that if the Government of the Czechoslovak Republic fails to acknowledge the consolidated debt at the end of the said twelve-months period by delivery to the Minister of bonds as hereinbefore provided, or fails to redeem any of the bonds upon maturity, the whole amount of the loan shall thereupon become due and payable.

7. Payments by the Government of the Czechoslovak Republic shall be in Canadian dollars or fine gold at the option of the Government of the Czechoslovak Republic. The value of fine gold shall be calculated on the basis of the buying price for gold of the Canadian Foreign Exchange Control Board (or successor agency) on the day of its delivery. During such period as foreign exchange regulations in Canada require that exports from Canada to Czechoslovakia

slovakia result in the sale of a specified foreign currency to an Authorized Dealer of the Foreign Exchange Control Board and permit Canadian importers of goods from Czechoslovakia to make payment therefor in such specified foreign currency, any Canadian dollars used by the Government of the Czechoslovak Republic to effect payments under this agreement shall be acquired by the sale through an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) of such specified foreign currency at the published official buying rate, or in such other manner as may be mutually agreed upon by the Government of the Czechoslovak Republic and the Minister.

In witness whereof the parties hereto have caused these presents to be signed on the day and in the year first above written.

WITNESS:

W. C. CLARK.

W. H. WRONG.

J. L. ILSLEY,
Minister of Finance for Canada.

FRANTISEK PAVLASEK
*For the Government of the
Czechoslovak Republic.*

SCHEDULE "A" TO THE AGREEMENT ENTERED INTO AT OTTAWA
 ON THE 1st DAY OF MARCH 1945 BETWEEN THE GOVERNMENT
 OF CANADA AND THE GOVERNMENT OF THE CZECHOSLOVAK
 REPUBLIC.

<i>Goods</i>	<i>Quantity in Metric Tons</i>
Copper	7,000
Lead	5,000
Nickel	2,400
Asbestos	6,000
Mica	150
Aluminum	1,000
Wheat	108,000
Fish (tinned)	2,600
Dried Milk	220
Semolina Flour	4,000
Calf Hides (wet)	500
Cobalt Compounds	15
Nickel Compounds	120
Silicon Carbide	1,300
Pulp for Rayon Manufacture	6,000
Special Woods	to be subsequently determined.
Medical Supplies up to a value of \$500,000	tonnage unknown.

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TREATY SERIES, 1945

No. 26

EXCHANGE OF NOTES

(27th August, 1945)

BETWEEN

CANADA AND THE UNION OF SOUTH AFRICA

AMENDING

THE TRADE AGREEMENT BETWEEN THE
TWO COUNTRIES OF THE 20th AUGUST 1932

Entry into force, July 31, 1945

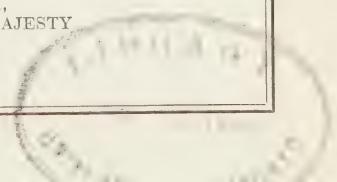


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CANADA

TREATY SERIES, 1945

No. 26

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CANADA AND THE UNION OF SOUTH AFRICA

AMENDING

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1946

SUMMARY

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**EXCHANGE OF NOTES (27th AUGUST, 1945) BETWEEN CANADA AND
THE UNION OF SOUTH AFRICA AMENDING FOR THE PERIOD
30th AUGUST TO 31st DECEMBER, 1945, INCLUSIVE, THE TRADE
AGREEMENT SIGNED AT OTTAWA ON THE 20th AUGUST, 1932.***

I

*The Secretary for External Affairs of the Union
to the Acting High Commissioner for Canada.*

DEPARTMENT OF EXTERNAL AFFAIRS

PRETORIA, 27th August, 1945.

SIR,

I have the honour to refer to your letter of the 12th July, 1945, wherein you advised me of the Canadian Government's desire that the preference of 35 cents per cubic foot on oranges which is guaranteed to the Union by virtue of the Trade Agreement concluded between the Union and Canadian Governments at Ottawa on the 20th August, 1932, should be further suspended during the period 30th August to 31st December, 1945, inclusive.

I now have the honour to inform you that the Union Government agree to the further suspension of this duty during the period 30th August to 31st December, 1945, inclusive.

This note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation.

I have the honour to be, Sir, Your obedient Servant,

D. D. FORSYTH,
Secretary for External Affairs.

*For the Agreement of 1932 see Canada Treaty Series 1933, No. 4.

II

*The Acting High Commissioner for Canada
to the Secretary for External Affairs of the Union*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

PRETORIA, 27th August, 1945.

SIR,

I have the honour to acknowledge receipt of your Note of August 27, reading as follows:—

I have the honour to refer to your letter of the 12th July, 1945, wherein you advised me of the Canadian Government's desire that the preference of 35 cents per cubic foot on oranges which is guaranteed to the Union by virtue of the Trade Agreement concluded between the Union and Canadian Governments at Ottawa on the 20th August, 1932, should be further suspended during the period 30th August to 31st December, 1945, inclusive.

I now have the honour to inform you that the Union Government agree to the further suspension of this duty during the period 30th August to 31st December, 1945, inclusive.

This note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation.

I am authorized by my Government to inform you that they accept the arrangement set out in the above and agree that your Note and this reply shall constitute an agreement between the Government of Canada and the Government of the Union of South Africa which shall enter into force with effect from July 31, 1945, subject to the conditions mentioned and which may be subject to renewal by mutual accord.

I have the honour to be, Sir, Your obedient Servant,

J. C. MACGILLIVRAY,
Acting High Commissioner.

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TREATY SERIES, 1945
No. 27

FINANCIAL AGREEMENT

BETWEEN

CANADA AND NORWAY

Signed at Ottawa, June 25, 1945

(With an Exchange of Notes)



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1945

No. 27

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OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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1946

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**FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF NORWAY**

Signed at Ottawa, June 25, 1945

AGREEMENT ENTERED INTO THIS 25TH DAY OF JUNE, 1945

BETWEEN:

THE MINISTER OF FINANCE OF CANADA,
hereinafter referred to as "the Minister"

Of The First Part,

AND

THE GOVERNMENT OF NORWAY,
represented by its Minister Plenipotentiary to Canada

Of The Second Part:

WHEREAS the Government of Norway has requested the Government of Canada to make a loan to the Government of Norway to enable the said Government to purchase Canadian-produced goods for export to Norway; and

WHEREAS by Order in Council P.C. 5478 dated 7th August the Minister has been duly authorized under The Export Credits Insurance Act, Chapter 39 of the Statutes of Canada, 1944, to make the loans hereinafter referred to, on behalf of the Government of Canada; and

WHEREAS the Minister Plenipotentiary of Norway to Canada, Mr. Daniel Steen, has been duly authorized by the Government of Norway to execute this agreement on behalf of the Government of Norway,

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the undertaking by the Government of Norway to utilize the proceeds of the loan hereinafter provided to pay the cost of Canadian-produced goods purchased from exporters in Canada for export to Norway, and of the mutual covenants hereinafter contained, it is hereby agreed as follows:

1. The Government of Canada acting through the Minister agrees to give to the Government of Norway credit, on the terms and subject to the conditions hereinafter specified, in the amount of Thirteen Million Dollars (\$13,000,000), Canadian, to enable the Government of Norway to pay the cost of Canadian-produced goods to be purchased from exporters and exported to Norway.

2. The Minister agrees to make the necessary arrangements with the Bank of Canada to open a special account in favour of the Government of Norway and to pay into the said account from time to time, as may be mutually agreed upon, amounts which are requisitioned by the Government of Norway to pay the cost of goods purchased or to be purchased in Canada, the total of amounts so requisitioned not to exceed Thirteen Million Dollars (\$13,000,000), Canadian.

3. The Government of Norway agrees to utilize the amounts of the said credit which are requisitioned pursuant to paragraph 2 of this agreement in purchasing Canadian-produced goods from Canadian producers.

4. The Government of Norway agrees to pay interest at the rate of two and three-quarters ($2\frac{3}{4}$) per centum per annum on each amount paid by the Minister into the said special account from the date when it is paid into the said special account until the date of consolidation of that particular amount of the debt into a consolidated debt to be evidenced by bonds of the Government of Norway as provided for in paragraphs 5 or 6 of this agreement.

5. The Government of Norway agrees that, with respect to amounts paid by the Minister into the said special account during the twelve months period commencing on the date of the execution of this agreement, there shall be a consolidation of the said amounts, and interest thereon as provided in paragraph 4 of this agreement, at the end of the said twelve months period and the Government of Norway shall thereupon acknowledge such consolidated debt by delivery to the Minister of bonds of a face value equal to such consolidated debt which bonds shall constitute valid, binding, absolute and unconditional obligations of the Government of Norway; the said bonds shall bear interest at the rate of two and three-quarters ($2\frac{3}{4}$) per centum per annum, payable semi-annually on the first day of January and the first day of July, and shall be for terms of 5 years, 6 years, 7 years, 8 years, 9 years, 10 years, 11 years, 12 years, 13 years, as follows:

11-1/9% of the consolidated debt shall be evidenced by 5 year bonds maturing at the end of 6 years from the date of execution of this agreement;

11-1/9% of the consolidated debt shall be evidenced by 6 year bonds maturing at the end of 7 years from the date of execution of this agreement;

11-1/9% of the consolidated debt shall be evidenced by 7 year bonds maturing at the end of 8 years from the date of execution of this agreement;

11-1/9% of the consolidated debt shall be evidenced by 8 year bonds maturing at the end of 9 years from the date of execution of this agreement;

11-1/9% of the consolidated debt shall be evidenced by 9 year bonds maturing at the end of 10 years from the date of execution of this agreement;

11-1/9% of the consolidated debt shall be evidenced by 10 year bonds maturing at the end of 11 years from the date of execution of this agreement;

11-1/9% of the consolidated debt shall be evidenced by 11 year bonds maturing at the end of 12 years from the date of execution of this agreement;

11-1/9% of the consolidated debt shall be evidenced by 12 year bonds maturing at the end of 13 years from the date of execution of this agreement;

11-1/9% of the consolidated debt shall be evidenced by 13 year bonds maturing at the end of 14 years from the date of execution of this agreement.

6. The Government of Norway agrees that, with respect to amounts paid by the Minister into the said special account during the twelve months period commencing one year from the date of execution of this agreement, there shall be a consolidation of the amounts so paid, and interest thereon as provided for in paragraph 4 of this agreement, at the end of the said twelve months period and the Government of Norway shall thereupon acknowledge such consolidated

debt by delivery to the Minister of bonds of a face value equal to such consolidated debt which bonds shall constitute valid, binding, absolute and unconditional obligations of the Government of Norway; the bonds shall bear interest at the rate of two and three-quarters ($2\frac{3}{4}$) per centum per annum payable semi-annually on the first day of January and the first day of July and shall be for such terms as will result in 11-1/9% of the bonds maturing respectively at the end of 6 years, 7 years, 8 years, 9 years, 10 years, 11 years, 12 years, 13 years and 14 years from the date of execution of this agreement.

7. Any portion of the credit of Thirteen Million Dollars (\$13,000,000), Canadian, which has not been requisitioned by the Government of Norway and paid by the Minister into the special account in the Bank of Canada pursuant to paragraph 2 of this agreement at the end of two years from the date of execution of this agreement shall be deemed to have lapsed and be no longer payable by the Minister, unless the Parties hereto mutually agree otherwise.

8. It is mutually agreed by the Parties hereto that if the Government of Norway fails to acknowledge the consolidated debt at the end of any of the periods referred to in paragraphs 5 or 6 of this agreement, or fails to redeem any of the bonds on maturity, the whole amount of the loan shall thereupon become due and payable.

9. It is mutually agreed by the Parties hereto that payments by the Government of Norway shall be in Canadian dollars or fine gold at the option of the Government of Norway. The value of fine gold shall be calculated on the basis of the buying price for gold of the Canadian Foreign Exchange Control Board (or successor agency) on the day of its delivery. During such period as foreign exchange regulations in Canada require that exports from Canada to Norway result in the sale of a specified foreign currency to an Authorized Dealer of the Foreign Exchange Control Board (or successor agency) and permit Canadian importers of goods from Norway to make payment therefor in such specified foreign currency, any Canadian dollars used by the Government of Norway to effect payments under this agreement shall be acquired by the sale to an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) of such specified foreign currency at the published official buying rate, or in such other manner as may be mutually agreed upon by the Government of Norway and the Minister.

10. The Minister agrees that the Government of Norway shall have the right to redeem any or all of the bonds prior to their maturities at par plus accrued interest if the Government of Norway tenders payment in fine gold or Canadian dollars acquired in the manner provided by paragraph 9 of this agreement.

Witness:

H. M. MCKENNA.

J. L. ILSLEY,
Minister of Finance of Canada.

DITLIEF KNUDSEN.

DANIEL STEEN,
For the Government of Norway.

APPENDIX

**EXCHANGE OF NOTES (JUNE 25, 1945) BETWEEN CANADA AND
NORWAY RELATING TO THE FINANCIAL AGREEMENT SIGNED
FOR THEM AT OTTAWA, JUNE 25, 1945.**

I

*The Canadian Minister of Finance
to the Minister of Norway*

OTTAWA, June 25, 1945.

DEAR SIR,

In signing the agreement with you to-day for the provision of credit of \$13,000,000 to the Government of Norway under the Export Credits Insurance Act, I desire to place on record our understanding regarding our intention to proceed subsequently with an amendment to this agreement to increase the amount of the credit provided, and also our understanding regarding the purchases which Norway will make in Canada to be financed in other ways.

In requesting a credit which has been furnished under the above-mentioned agreement, you asked originally for a total credit of \$30,000,000. Unfortunately our legislation does not permit the Government at present to provide a credit of this magnitude. I wish to assure you, however, that it is the intention of the Canadian Government that an amendment should be made to this agreement with your Government to increase the amount of credit provided thereby to a total of \$30,000,000 if and when the necessary amendment to the legislation is enacted by the Canadian Parliament. I can inform you that it is my intention that an amendment of this kind in the legislation will be sought as early as possible at the next session of Parliament. I understand it is also the intention of your Government to amend the agreement in this way as soon as our legislation makes this possible.

I wish also to note that it is the intention of the two Governments that a certain proportion of the Canadian dollar requirements of Norway shall be covered by the purchase from Canada of Canadian dollars against gold or foreign exchange convertible into gold. To implement this intention it is understood that the Government of Norway, through one of its official agencies or through the Bank of Norway, will at the end of each quarter, commencing on or after to-day's date, during which the credits referred to in this letter are drawn upon, acquire Canadian dollars by the sale to Canada of gold or foreign exchange convertible into gold in an amount such that the total amount of Canadian dollars so acquired from the date of the agreement up to the end of such quarter shall be equal to or greater than 20 per cent of the amount of credit which has been utilized up to that date. It is also understood that the Canadian dollars so acquired will be used either to meet the current requirements of Norway in Canada, or to make repayments of the credits, or to redeem the bonds provided for under the agreement dated to-day.

Yours very truly,

J. L. HESLEY,
Canadian Minister of Finance.

II

*The Minister of Norway
to the Canadian Minister of Finance*

OTTAWA, June 25, 1945.

DEAR SIR,

I have pleasure in acknowledging receipt of your letter of June 25 in connection with the loan agreement between our governments signed this same date.

On behalf of the Norwegian government I thank you for your willingness to have the agreement amended, if and when the necessary legislation is enacted by the Canadian Parliament, to increase the amount of credit provided thereby to a total of \$30,000,000. It is the intention of my government to amend the agreement in this way as soon as possible.

I also wish to confirm the intention and understanding of the two governments concerning the covering of a certain proportion of Norway's Canadian dollar requirements by Norway's purchase against gold and convertible foreign exchange (the amount of Canadian dollars so acquired to be equal to or greater than 20 per cent of the credit amount) as stated in the last paragraph of your letter.

Yours very truly,

DANIEL STEEN,
Minister of Norway.

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Canada External Affairs Dept.

(CANADA)

TREATY SERIES, 1945
— No. 28 —

FINANCIAL AGREEMENT

BETWEEN

CANADA AND THE NETHERLANDS

Signed at Ottawa, May 1, 1945

(Together with an Exchange of Notes)



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1945
No. 28

FINANCIAL AGREEMENT

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CONTROLLER OF STATIONERY
1946

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**FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF THE NETHERLANDS.**

Signed at Ottawa, May 1, 1945

AGREEMENT ENTERED INTO THIS FIRST DAY OF MAY, 1945,

BETWEEN:

THE MINISTER OF FINANCE OF CANADA,
hereinafter referred to as "the Minister",
OF THE FIRST PART,
AND

THE GOVERNMENT OF THE NETHERLANDS,
represented by its Minister Plenipotentiary to Canada,
Jonkheer J. W. M. Snouck Hurgronje,
OF THE SECOND PART:

WHEREAS the Government of the Netherlands has requested the Government of Canada to make a loan to the Government of the Netherlands to enable the said Government to purchase Canadian produced goods for export to the Netherlands; and

WHEREAS by Order in Council P.C. 3169 dated 1st day of May, 1945, the Minister has been duly authorized under The Export Credits Insurance Act, Chapter 39 of the Statutes of Canada, 1944, to make the loans hereinafter referred to, on behalf of the Government of Canada; and

WHEREAS the Minister Plenipotentiary of the Netherlands to Canada, Jonkheer J. W. M. Snouck Hurgronje, has been duly authorized by the Government of the Netherlands to execute this agreement on behalf of the Government of the Netherlands.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the undertaking by the Government of the Netherlands to utilize the proceeds of the loan hereinafter provided to pay the cost of Canadian-produced goods purchased from exporters in Canada for export to the Netherlands, and of the mutual covenants hereinafter contained, it is hereby agreed as follows:

1. The Government of Canada acting through the Minister agrees to give to the Government of the Netherlands credit, on the terms and subject to the conditions hereinafter specified, in the amount of TWENTY-FIVE MILLION DOLLARS (\$25,000,000), Canadian, to enable the Government of the Netherlands to pay the cost of Canadian-produced goods to be purchased from exporters in Canada and exported to the Netherlands.

2. The Minister agrees to make the necessary arrangements with the Bank of Canada to open a special account in favour of the Government of the Netherlands and to pay into the said account from time to time, as may be mutually agreed upon, amounts which are requisitioned by the Government of the Netherlands to pay the cost of goods purchased or to be purchased in Canada, the total of amounts so requisitioned not to exceed TWENTY-FIVE MILLION DOLLARS (\$25,000,000), Canadian.

3. The Government of the Netherlands agrees to utilize the amounts of the said credit which are requisitioned pursuant to paragraph 2 of this agreement in purchasing Canadian-produced goods from Canadian producers.

4. The Government of the Netherlands agrees to pay interest at the rate of two and one-quarter per centum per annum on each amount paid by the Minister into the said special account from the date when it is paid into the said special account until the date of consolidation of that particular amount of the debt into a consolidated debt to be evidenced by bonds of the Government of the Netherlands as provided for in paragraph 5 or 6 of this agreement.

5. The Government of the Netherlands agrees that, with respect to amounts paid by the Minister into the said special account during the twelve months period commencing on the date of the execution of this agreement, there shall be a consolidation of the said amounts, and interest thereon as provided in paragraph 4 of this agreement, at the end of the said twelve months period and the Government of the Netherlands shall thereupon acknowledge such consolidated debt by delivery to the Minister of bonds of a face value equal to such consolidated debt which bonds shall constitute valid, binding, absolute and unconditional obligations of the Government of the Netherlands; the said bonds shall bear interest at the rate of two and one-quarter per centum per annum, payable semi-annually on the first day of January and the first day of July, and shall be for terms of $4\frac{1}{2}$ years, 5 years, $5\frac{1}{2}$ years, 6 years, $6\frac{1}{2}$ years, 7 years, $7\frac{1}{2}$ years, 8 years, $8\frac{1}{2}$ years and 9 years, as follows:

10% of the consolidated debt shall be evidenced by $4\frac{1}{2}$ year bonds maturing at the end of $5\frac{1}{2}$ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 5 year bonds maturing at the end of 6 years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by $5\frac{1}{2}$ year bonds maturing at the end of $6\frac{1}{2}$ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 6 year bonds maturing at the end of 7 years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by $6\frac{1}{2}$ year bonds maturing at the end of $7\frac{1}{2}$ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 7 year bonds maturing at the end of 8 years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by $7\frac{1}{2}$ year bonds maturing at the end of $8\frac{1}{2}$ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 8 year bonds maturing at the end of 9 years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by $8\frac{1}{2}$ year bonds maturing at the end of $9\frac{1}{2}$ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 9 year bonds maturing at the end of 10 years from the date of execution of this agreement.

6. The Government of the Netherlands agrees that, with respect to amounts paid by the Minister into the said special account during the twelve months period commencing one year from the date of execution of this agreement, there shall be a consolidation of the amounts so paid, and interest thereon as provided for in paragraph 4 of this agreement, at the end of the said twelve months period and the Government of the Netherlands shall thereupon acknowledge such consolidated debt by delivery to the Minister of bonds of a face value equal to such consolidated debt which bonds shall constitute valid, binding, absolute and unconditional obligations of the Government of the Netherlands; the bonds shall bear interest at the rate of two and one-quarter per centum per annum payable semi-annually on the first day of January and the first day of July and shall be for such terms as will result in 10% of the bonds maturing respectively at the end of $5\frac{1}{2}$ years, 6 years, $6\frac{1}{2}$ years, 7 years, $7\frac{1}{2}$ years, 8 years, $8\frac{1}{2}$ years, 9 years, $9\frac{1}{2}$ years and 10 years from the date of execution of this agreement.

7. Any portion of the credit of TWENTY-FIVE MILLION DOLLARS (\$25,000,000), Canadian, which has not been requisitioned by the Government of the Netherlands and paid by the Minister into the special account in the Bank of Canada pursuant to paragraph 2 of this agreement at the end of two years from the date of execution of this agreement shall be deemed to have lapsed and be no longer payable by the Minister, unless the Parties hereto mutually agree otherwise.

8. It is mutually agreed by the Parties hereto that if the Government of the Netherlands fails to acknowledge the consolidated debt at the end of any of the periods referred to in paragraph 5 or 6 of this agreement, or fails to redeem any of the bonds on maturity, the whole amount of the loan shall thereupon become due and payable.

9. It is mutually agreed by the Parties hereto that payments by the Government of the Netherlands shall be in Canadian dollars or fine gold at the option of the Government of the Netherlands. The value of fine gold shall be calculated on the basis of the buying price for gold of the Canadian Foreign Exchange Control Board (or successor agency) on the day of its delivery. During such period as foreign exchange regulations in Canada require that exports from Canada to the Netherlands result in the sale of a specified foreign currency to an Authorized Dealer of the Foreign Exchange Control Board (or successor agency) and permit Canadian importers of goods from the Netherlands to make payment therefor in such specified foreign currency, any Canadian dollars used by the Government of the Netherlands to effect payments under this agreement shall be acquired by the sale through an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) of such specified foreign currency at the published official buying rate, or in such other manner as may be mutually agreed upon by the Government of the Netherlands and the Minister.

10. The Minister agrees that the Government of the Netherlands shall have the right to redeem any or all of the bonds prior to their maturities at par plus accrued interest if the Government of the Netherlands tenders payment in fine gold or Canadian dollars acquired in the manner provided by paragraph 9 of this agreement.

WITNESS:

W. C. CLARK

R. B. BRYCE

J. L. ILSLEY,
Minister of Finance for Canada.

SNOUCK HURGRONJE,
For the Government of the Netherlands.

APPENDIX

**EXCHANGE OF NOTES (MAY 1 AND JUNE 2, 1945) BETWEEN
CANADA AND THE NETHERLANDS RELATING TO THE FINANCIAL
AGREEMENT SIGNED FOR THEM AT OTTAWA, MAY 1, 1945.**

I

*The Canadian Minister of Finance
to the Minister for the Netherlands*

OTTAWA, 1st May, 1945.

DEAR SIR,

In signing the agreement with you, dated to-day's date, for the provision of credit of \$25 million to the Government of the Netherlands under the Export Credits Insurance Act, I desire to place on record our understanding regarding our intention to proceed subsequently with a further agreement to provide credits of a similar character and also our understanding regarding the purchases which the Netherlands will make in Canada to be financed in other ways.

In requesting a credit which has been furnished under the above-mentioned agreement, you asked originally for a total credit of \$85 million to be provided over a period of five years. Unfortunately, our legislation does not permit us to enter into an agreement for as long a period as this nor permit the Government at present to provide a credit of this magnitude. I wish to assure you, however, that it is the intention of the Canadian Government that a second agreement should be entered into with your Government to provide an additional credit of \$60 million to be available to your Government over a total period of five years from the date of the first agreement, with the same rate of interest and dates of repayment as are stipulated in the agreement now signed. It is our intention that this second agreement be made as soon as the necessary amendments in the legislation are enacted by the Canadian Parliament. I understand it is also the intention of your Government to enter into such a further agreement as soon as our legislation is amended to make this possible.

I wish also to record that it is our understanding that if, owing to unforeseen difficulties, it should unhappily prove to be impossible to conclude a second credit agreement along the lines indicated in the paragraph above, your Government will be prepared to amend the agreement bearing to-day's date, to provide that the rate of interest payable on the credits obtained under that agreement will be $2\frac{1}{2}\%$ rather than $2\frac{1}{4}\%$, as is now provided.

I wish also to record that I am prepared to agree to the redemption under paragraph 10 of the agreement of the bonds to be given in accordance with the agreement, out of any Canadian dollars accruing to the Government of the Netherlands from current account transactions between the Netherlands and Canada and from the sale of Canadian securities held by residents of the Netherlands, as authorized, during the period in question, by the Foreign Exchange Control Board (or successor agency).

I wish also to note that it is the intention of the two Governments that a certain proportion of the Canadian dollar requirements of the Netherlands shall be covered by the purchase from Canada of Canadian dollars against gold or foreign exchange convertible into gold. To implement this intention, the following procedure is to be followed:

Two years after the date of the agreement which has now been signed, the amount of credit then outstanding under this agreement and the second agreement to be negotiated shall be determined; and the Netherlands Government shall within the subsequent twelve months acquire Canadian dollars by the sale to Canada of gold or foreign exchange convertible into gold in an amount not less than 20% of the credit then outstanding, after deducting Canadian dollars already acquired after April 1, 1945, by the Netherlands Government through the sale to Canada of gold or foreign exchange convertible into gold. At the end of each quarter year commencing on or after May 1, 1947, the Netherlands Government will acquire Canadian dollars in the same manner and in amounts bearing the same proportion to the amount of the credit employed during that quarter.

I would appreciate it if you could confirm the understandings set forth above.

Yours very truly,

J. L. ILSLEY,
Canadian Minister of Finance.

II

*The Minister for the Netherlands
to the Canadian Minister of Finance*

OTTAWA, June 2, 1945.

No. 785

DEAR SIR,

Referring to your letter of May 1 concerning the credit agreement concluded by our respective Governments and signed on May 1 by you and me, I have the honour to inform you that my Government has advised me that it entirely agrees to the understandings set forth in your letter referred to above.

Yours sincerely,

SNOUCK HURGRONJE,
*Minister Plenipotentiary
for the Netherlands.*

(CANADA)

TREATY SERIES, 1945

No. 29

AGREEMENT

BETWEEN

CANADA AND CZECHOSLOVAKIA

AMENDING

THE FINANCIAL AGREEMENT

CONCLUDED BETWEEN THE TWO COUNTRIES

ON THE 1st MARCH 1945

Signed at Ottawa, June 26, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946



CANADA

—
TREATY SERIES, 1945

No. 29

AGREEMENT

BETWEEN

CANADA AND CZECHOSLOVAKIA

AMENDING

THE FINANCIAL AGREEMENT

CONCLUDED BETWEEN THE TWO COUNTRIES

ON THE 1st MARCH 1945

Signed at Ottawa, June 26, 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

**AGREEMENT BETWEEN CANADA AND CZECHOSLOVAKIA AMENDING
THE FINANCIAL AGREEMENT CONCLUDED BETWEEN THE
TWO COUNTRIES ON THE 1st MARCH 1945***

Signed at Ottawa, June 26, 1945

AMENDING AGREEMENT ENTERED INTO AT OTTAWA, CANADA,
THIS 26th DAY OF JUNE, 1945

BETWEEN:

THE MINISTER OF FINANCE OF CANADA,
hereinafter referred to as "the Minister",

of the First Part,
AND

THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC,
represented by its Envoy Extraordinary and Minister Plenipotentiary to Canada,
Dr. Frantisek Pavlasek,

of the Second Part:

WHEREAS by agreement dated March 1, 1945, between the parties hereto the Minister agreed to give to the Government of the Czechoslovak Republic credit on the terms and subject to the conditions therein specified, of Fifteen Million Dollars, Canadian (\$15,000,000), to enable the said Government to pay the cost of the Canadian-produced goods referred to in Schedule "A" thereto, which goods are to be purchased from exporters in Canada and exported by the said Government to Czechoslovakia; and

WHEREAS the said Government has requested the Minister to increase the said credit by Four Million Dollars, Canadian (\$4,000,000), to enable the said Government to pay the cost of transporting the said goods from Canada to Czechoslovakia; and

WHEREAS the Minister has agreed that delivery and transportation charges beyond Canada should, in this case, be included in the cost of the Canadian-produced goods to be purchased by the said Government and should be paid out of the proceeds of the said credit; and

WHEREAS by Order in Council P.C. 4489, dated the 22nd day of June, 1945, the Minister has been duly authorized under the Export Credits Insurance Act to make the additional loan hereinafter referred to on behalf of the Government of Canada.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the undertaking of the Government of the Czechoslovak Republic to utilize the proceeds of the additional loan hereinafter provided in paying the

* For the Financial Agreement of March 1, 1945, see *Canada Treaty Series 1945*, No. 25.

cost of Canadian-produced goods purchased from exporters in Canada, for export to Czechoslovakia, and of the mutual covenants hereinafter contained, it is hereby agreed as follows:—

1. The Minister agrees to give to the Government of the Czechoslovak Republic credit, on the same terms and subject to the same conditions as those specified in an agreement dated March 1, 1945, between the Minister and the said Government, of Four Million Dollars, Canadian (\$4,000,000), in addition to the credit granted under the said agreement to enable the said Government to pay the cost of the Canadian-produced goods referred to in Schedule "A" to the said agreement, which goods are to be purchased from exporters in Canada and exported by the said Government to Czechoslovakia;

2. The parties hereto agree that the said additional credit shall be added to the credit granted by the Minister under the agreement of March 1, 1945, and the said agreement shall, accordingly, be deemed to be amended by deleting the words and figures "Fifteen Million Dollars, Canadian (\$15,000,000)" where they occur in clauses 1 and 3 thereof, and substituting therefor "Nineteen Million Dollars, Canadian (\$19,000,000)", and that the said agreement as amended shall apply to the total credit of Nineteen Million Dollars, Canadian (\$19,000,000).

In witness whereof the Parties hereto have caused these presents to be signed on the day and in the year first above written.

Witness:

J. ROSS TOLMIE.

J. L. ILSLEY,
Minister of Finance of Canada.

R. B. BRYCE.

FRANTISEK PAVLASEK,
For the Government of Czechoslovak Republic.

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Canada. External Affairs

(CANADA)

TREATY SERIES, 1945

No. 30

AGREEMENT

BETWEEN

THE UNITED KINGDOM, CANADA,
AUSTRALIA, NEW ZEALAND,
THE UNION OF SOUTH AFRICA
AND INDIA

AND

THE SOVIET UNION

RELATING TO

PRISONERS OF WAR AND CIVILIANS
LIBERATED BY ALLIED ARMIES

Signed in the Crimea February 11, 1945

In Force February 11, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1945
No. 30

AGREEMENT

BETWEEN

THE UNITED KINGDOM, CANADA,
AUSTRALIA, NEW ZEALAND,
THE UNION OF SOUTH AFRICA
AND INDIA

AND

THE SOVIET UNION

RELATING TO

PRISONERS OF WAR AND CIVILIANS
LIBERATED BY ALLIED ARMIES

Signed in the Crimea February 11, 1945

In Force February 11, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

AGREEMENT RELATING TO PRISONERS OF WAR AND CIVILIANS LIBERATED BY FORCES OPERATING UNDER SOVIET COMMAND AND FORCES OPERATING UNDER BRITISH COMMAND.

The Governments of the United Kingdom of Great Britain and Northern Ireland, of Canada, of Australia, of New Zealand, of the Union of South Africa and of India on the one hand and the Government of the Union of Soviet Socialist Republics on the other hand, wishing to make arrangements for the care and repatriation of Soviet citizens freed by forces operating under British command and for British subjects freed by forces operating under Soviet command, have agreed as follows:—

ARTICLE 1

All Soviet citizens liberated by the forces operating under British command and all British subjects liberated by the forces operating under Soviet command will, without delay after their liberation, be separated from enemy prisoners of war and will be maintained separately from them in camps or points of concentration until they have been handed over to the Soviet or British authorities as the case may be, at places agreed upon between those authorities.

British and Soviet military authorities will respectively take the necessary measures for protection of camps and points of concentration from enemy bombing, artillery fire, etc.

ARTICLE 2

The contracting parties shall ensure that their military authorities shall without delay inform the competent authorities of the other party regarding citizens or subjects of the other contracting party found by them, and will at the same time take the necessary steps to implement the provisions of this agreement. Soviet and British repatriation representatives will have the right of immediate access into the camps and points of concentration where their citizens or subjects are located and they will have the right to appoint the internal administration and set up the internal discipline and management in accordance with the military procedure and laws of their country.

Facilities will be given for the despatch or transfer of officers of their own nationality to camps or points of concentration where liberated members of the respective forces are located and there are insufficient officers. The outside protection of and access to and from the camps or points of concentration will be established in accordance with the instructions of the military commander in whose zone they are located, and the military commander shall also appoint a commandant, who shall have the final responsibility for the overall administration and discipline of the camp or point concerned.

The removal of camps as well as the transfer from one camp to another of liberated citizens or subjects will be effected by agreement with the competent Soviet or British authorities. Removal of camps and transfer of liberated citizens or subjects may, in exceptional circumstances, also be effected without preliminary agreement, provided the competent authorities are immediately notified of such removal or transfer with a statement of the reasons. Hostile propaganda directed against the contracting parties or against any of the United Nations will not be permitted.

ARTICLE 3

The competent British and Soviet authorities will supply liberated citizens or subjects of the contracting parties with adequate food, clothing, housing and medical attention both in camps or at points of concentration and en route,

and with transport until they are handed over to the Soviet or British authorities at places agreed upon between those authorities. The standards of such food, clothing, housing and medical attention shall, subject to the provisions of Article 8, be fixed on a basis for privates, non-commissioned officers and officers. The basis fixed for civilians shall as far as possible be the same as that fixed for privates.

The contracting parties will not demand compensation for these or other similar services which their authorities may supply respectively to liberated citizens or subjects of the other contracting party.

ARTICLE 4

Each of the contracting parties shall be at liberty to use in agreement with the other party such of its own means of transport as may be available for the repatriation of its citizens or subjects held by the other contracting party. Similarly each of the contracting parties shall be at liberty to use in agreement with the other party its own facilities for the delivery of supplies to its citizens or subjects held by the other contracting party.

ARTICLE 5

Soviet and British military authorities shall make such advances on behalf of their respective Governments to liberated citizens and subjects of the other contracting party as the competent Soviet and British authorities shall agree upon beforehand.

Advances made in currency of any enemy territory or in currency of their occupation authorities shall not be liable to compensation.

In the case of advances made in currency of liberated non-enemy territory, the Soviet and British Governments will effect, each for advances made to their citizens or subjects, necessary settlements with the Governments of the territory concerned, who will be informed of the amount of their currency paid out for this purpose.

ARTICLE 6

Ex-prisoners of war and civilians of each of the contracting parties may, until their repatriation, be employed in the management, maintenance and administration of the camps or billets in which they are situated. They may also be employed on a voluntary basis on other work in the vicinity of their camps in furtherance of the common war effort in accordance with agreements to be reached between the competent Soviet and British authorities. The question of payment and other conditions of labour shall be determined by agreement between these authorities. It is understood that liberated members of the respective forces will be employed in accordance with military standards and procedure and under the supervision of their own officers.

ARTICLE 7

The contracting parties shall, wherever necessary, use all practicable means to ensure the evacuation to the rear of these liberated citizens or subjects. They also undertake to use all practicable means to transport liberated citizens or subjects to places to be agreed upon where they can be handed over to the Soviet or British authorities respectively. The handing over of these liberated citizens or subjects shall in no way be delayed or impeded by the requirements of their temporary employment.

ARTICLE 8

The contracting parties will give the fullest possible effect to the foregoing provisions of this Agreement, subject only to the limitations in detail and from time to time of operational, supply and transport conditions in the several theatres.

ARTICLE 9

This Agreement shall come into force on Signature.

Done in the Crimea in duplicate and in the English and Russian languages, both being equally authentic, this eleventh day of February, 1945.

For the Government of the United Kingdom:

A. EDEN.

For the Government of Canada:

A. EDEN.

For the Government of Australia:

A. EDEN.

For the Government of New Zealand:

A. EDEN.

For the Government of the Union of South Africa:

A. EDEN.

For the Government of India:

A. EDEN.

For the Government of the Union of Soviet Socialist Republics:

V. MOLOTOV.

CANADA

TREATY SERIES, 1945
No. 31

FINANCIAL AGREEMENT

BETWEEN

CANADA

AND THE

NETHERLANDS INDIES

Signed at Ottawa, October 9, 1945

(With an Exchange of Notes)



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A. L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
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**FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF THE NETHERLANDS INDIES**

Signed at Ottawa, October 9, 1945

AGREEMENT ENTERED INTO THIS 9th DAY OF OCTOBER 1945
BETWEEN:

THE MINISTER OF FINANCE OF CANADA,
hereinafter referred to as "the Minister",

Of the First Part,
AND

THE BANK FOR THE NETHERLANDS INDIES,
a body corporate with its Head Office in Paramaribo, Surinam, being an
agency of the Government of the Netherlands Indies,

Of the Second Part:

WHEREAS the Government of the Netherlands Indies has requested the Government of Canada to make a loan to the said Bank, being an agency of the Government of the Netherlands Indies to enable the said Bank to provide funds to the said Government to enable it to purchase Canadian-produced goods for export to the Netherlands Indies, and the Government of the Netherlands Indies has guaranteed all the obligations of the said Bank and has declared to the Government of Canada that such guarantee applies to the loan hereinafter provided; and

WHEREAS the Government of the Netherlands Indies has undertaken to the Government of Canada that the proceeds of the loan made available to it by the said Bank will be utilized only to pay the cost of Canadian-produced goods to be purchased from Canadian producers; and

WHEREAS by Order in Council P.C. 6381 dated Oct. 4, 1945, the Minister has been duly authorized under The Export Credits Insurance Act, Chapter 39 of the Statutes of Canada, 1944, to make the loan hereinafter referred to, on behalf of the Government of Canada; and

WHEREAS J. Hoven and B. J. Israel have been duly authorized by the said Bank to execute this agreement in behalf of the said Bank.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the undertaking by the Bank for the Netherlands Indies to make available the proceeds of the loan to the Government of the Netherlands Indies to pay the cost of Canadian-produced goods purchased from exporters in Canada for export to the Netherlands Indies, and of the mutual covenants hereinafter contained, it is hereby agreed as follows:

1. The Government of Canada acting through the Minister agrees to give to the Bank for the Netherlands Indies credit, on the terms and subject to the conditions hereinafter specified, in the amount of Fifteen Million Dollars (\$15,000,000) Canadian, to enable the Bank for the Netherlands Indies to make available the proceeds of the loan to the Government of the Netherlands Indies, to pay the cost of Canadian-produced goods to be purchased from exporters in Canada and exported to the Netherlands Indies.

2. The Minister agrees to make the necessary arrangements with the Bank of Canada to open a special account in favour of the Bank for the Netherlands Indies and to pay into the said account from time to time, as may be mutually agreed upon, amounts which are requisitioned by the Bank for the Netherlands Indies to pay the cost of goods purchased or to be purchased in Canada, the total of amounts so requisitioned not to exceed Fifteen Million Dollars, Canadian.

3. The Bank for the Netherlands Indies agrees to make available to the Government of the Netherlands Indies the amounts of the said credit which are requisitioned pursuant to paragraph 2 of this agreement to enable the said Government to purchase Canadian-produced goods from Canadian exporters.

4. The Bank for the Netherlands Indies agrees to pay interest at the rate of two and one-quarter per centum per annum on each amount paid by the Minister into the said special account from the date when it is paid into the said special account until the date of consolidation of that particular amount of the debt into a consolidated debt to be evidenced by bonds of the Bank for the Netherlands Indies as provided for in paragraphs 5 or 6 of this agreement.

5. The Bank for the Netherlands Indies agrees that, with respect to amounts paid by the Minister into the said special account during the twelve months period commencing on the date of the execution of this agreement, there shall be a consolidation of the said amounts, and interest thereon as provided in paragraph 4 of this agreement, at the end of the said twelve months period and the Bank for the Netherlands Indies shall thereupon acknowledge such consolidated debt by delivery to the Minister of bonds of a face value equal to such consolidated debt which bonds shall constitute valid, binding, absolute and unconditional obligations of the Bank for the Netherlands Indies; the said bonds shall bear interest at the rate of two and one-quarter per centum per annum, payable semi-annually on the first day of January and the first day of July, and shall be for terms of 4½ years, 5 years, 5½ years, 6 years, 6½ years, 7 years, 7½ years, 8 years, 8½ years and 9 years, as follows:—

10% of the consolidated debt shall be evidenced by 4½ year bonds maturing at the end of 5½ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 5 year bonds maturing at the end of 6 years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 5½ year bonds maturing at the end of 6½ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 6 year bonds maturing at the end of 7 years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 6½ year bonds maturing at the end of 7½ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 7 year bonds maturing at the end of 8 years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 7½ year bonds maturing at the end of 8½ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 8 year bonds maturing at the end of 9 years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 8½ year bonds maturing at the end of 9½ years from the date of execution of this agreement;

10% of the consolidated debt shall be evidenced by 9 year bonds maturing at the end of 10 years from the date of execution of this agreement.

6. The Bank for the Netherlands Indies agrees that, with respect to amounts paid by the Minister into the said special account during the twelve months period commencing one year from the date of execution of this agreement, there shall be a consolidation of the amounts so paid, and interest thereon as provided for in paragraph 4 of this agreement, at the end of the said twelve months period and the Bank for the Netherlands Indies shall thereupon acknowledge such consolidated debt by delivery to the Minister of bonds of a face value equal to such consolidated debt which bonds shall constitute valid, binding, absolute and unconditional obligations of the Bank for the Netherlands Indies; the bonds shall bear interest at the rate of two and one-quarter per centum per annum payable semi-annually on the first day of January and the first day of July and shall be for such terms as will result in 10% of the bonds maturing respectively at the end of 5½ years, 6 years, 6½ years, 7 years, 7½ years, 8 years, 8½ years, 9 years, 9½ years and 10 years from the date of execution of this agreement.

7. Any portion of the credit of Fifteen Million Dollars (\$15,000,000) Canadian, which has not been requisitioned by the Bank for the Netherlands Indies and paid by the Minister into the special account in the Bank of Canada pursuant to paragraph 2 of this agreement at the end of two years from the date of execution of this agreement shall be deemed to have lapsed and be no longer payable by the Minister, unless the Parties hereto mutually agree otherwise.

8. It is mutually agreed by the Parties hereto that if the Bank for the Netherlands Indies fails to acknowledge the consolidated debt as provided for in paragraphs 5 or 6 of this agreement, or fails to redeem any of the bonds on maturity, the whole amount of the loan shall thereupon become due and payable.

9. It is mutually agreed by the Parties hereto that payments by the Bank for the Netherlands Indies shall be in Canadian dollars or fine gold at the option of the Bank for the Netherlands Indies. The value of fine gold shall be calculated on the basis of the buying price for gold of the Canadian Foreign Exchange Control Board (or successor agency) on the day of its delivery. During such period as foreign exchange regulations in Canada require that exports from Canada to the Netherlands Indies result in the sale of a specified foreign currency to an Authorized Dealer of the Foreign Exchange Control Board (or successor agency) and permit Canadian importers of goods from the Netherlands Indies to make payment therefor in such specified foreign currency, any Canadian dollars used by the Bank for the Netherlands Indies to effect payments under this agreement shall be acquired by the sale through an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) of such specified foreign currency at the published official buying rate, or in such other manner as may be mutually agreed upon by the Bank for the Netherlands Indies and the Minister.

10. The Minister agrees that the Bank for the Netherlands Indies shall have the right to redeem any or all of the bonds prior to their maturities at par plus accrued interest if the Bank for the Netherlands Indies tenders payment in fine gold or Canadian dollars acquired in the manner provided by paragraph 9 of this agreement.

Witness:

A. L. WICKWIRE.

J. L. ILSLEY,
Minister of Finance for Canada.

H. D. SCULLY,

J. HOVEN,

Consul General of Canada in New York. For the Bank for the Netherlands Indies.

H. D. SCULLY,

B. J. ISRAEL,

Consul General of Canada in New York. For the Bank for the Netherlands Indies.

APPENDIX

**EXCHANGE OF NOTES (OCTOBER 9 AND 18, 1945) BETWEEN CANADA
AND THE NETHERLANDS INDIES RELATING TO THE FINANCIAL
AGREEMENT SIGNED FOR THEM ON OCTOBER 9, 1945**

I

*The Canadian Minister of Finance to the Vice-Chairman of the Board for the
Netherlands Indies, Surinam and Curacao*

OTTAWA, October 9, 1945.

Dear SIR,—In signing the agreement with you dated today's date for the provision of a credit of fifteen million, under the Export Credits Insurance Act, to the Bank for the Netherlands Indies, being an agency of the Government of the Netherlands Indies, I desire to place on record our understanding regarding our intention to proceed subsequently with a further agreement to provide credits of a similar character, and also our understanding regarding the purchases which the Netherlands Indies will make in Canada to be financed in other ways.

In requesting a credit, which has been furnished under the above-mentioned agreement, you asked originally for a total amount of \$65 million, to be provided over a period of 5 years. Unfortunately our legislation does not permit us to enter into an agreement for as long a period as this, nor permit the Government at present to provide a credit of this magnitude. I wish to assure you, however, that it is the intention of the Canadian Government that a second agreement should be entered into with the Bank for the Netherlands Indies to provide an additional credit of fifty million to be available to the Bank over a total period of 5 years from the date of the first agreement, with the same rate of interest and dates of repayment as are stipulated in the agreement now signed. It is our intention that this second agreement be made as soon as the necessary amendments in the legislation are enacted by the Canadian Parliament. I understand it is also the intention of your Government and the Bank for the Netherlands Indies that such a further agreement will be entered into as soon as our legislation is amended to make this possible.

I wish also to record that it is our understanding that if, owing to unforeseen difficulties, it should unhappily prove to be impossible to conclude a second agreement along the lines indicated in the preceding paragraph, your Government and the Bank for the Netherlands Indies will be prepared to amend the agreement bearing today's date, to provide that the rate of interest payable on the credits obtained under that agreement will be $2\frac{1}{2}\%$ rather than $2\frac{1}{4}\%$, as is now provided.

I wish also to record that I am prepared to agree to the redemption under paragraph 10 of the agreement of the bonds to be given in accordance with the agreement, out of any Canadian dollars accruing to the Government of the Netherlands Indies from current account transactions between the Netherlands Indies and Canada and from the sale of Canadian securities held by residents of the Netherlands Indies, as authorized, during the period in question, by the Foreign Exchange Control Board (or successor agency).

I wish also to note that it is the intention of the two Governments that a certain proportion of the Canadian dollar requirements of the Netherlands Indies shall be covered by the purchase from Canada of Canadian dollars against gold or foreign exchange convertible into gold. To implement this intention, it is understood that the Government of the Netherlands Indies, through the Bank for the Netherlands Indies, will, at the end of each quarter year commencing on or after today's date during which the credits referred to in this letter are drawn upon, acquire Canadian dollars by the sale to Canada of gold or foreign exchange convertible into gold in an amount not less than 20% of the amount of credit drawn during each such quarter year, after deducting Canadian dollars already acquired after the 9th of October, 1945, by the Government of the Netherlands Indies through the Bank for the Netherlands Indies through the sale of gold or foreign exchange convertible into gold. It is also understood that the Canadian dollars so acquired will be used either to meet the current requirements of the Netherlands Indies in Canada or to make repayments of the credits or to redeem the bonds provided for under the agreement dated today or the subsequent agreement referred to in this letter.

I would appreciate it if you would confirm the understanding set forth above.

Yours very truly,

J. L. ILSLEY,
Canadian Minister of Finance.

II

The Vice-Chairman of the Board for the Netherlands Indies, Surinam and Curacao to the Canadian Minister of Finance

NEW YORK, October 18, 1945.

Dear Sir,—I have the honour to acknowledge receipt of your note of October 9, 1945, containing the following communication:—

In requesting a credit, which has been furnished under the above mentioned agreement, you asked originally for a total amount of \$65 million, to be provided over a period of 5 years. Unfortunately our legislation does not permit us to enter into an agreement for as long a period as this, nor permit the Government at present to provide a credit of this magnitude. I wish to assure you, however, that it is the intention of the Canadian Government that a second agreement should be entered into with the Bank for the Netherlands Indies to provide an additional credit of fifty million to be available to the Bank over a total period of 5 years from the date of the first agreement, with the same rate of interest and dates of repayment as are stipulated in the agreement now signed. It is our intention that this second agreement be made as soon as the necessary amendments in the legislation are enacted by the Canadian Parliament. I understand it is also the intention of your Government and the Bank for the Netherlands Indies that such a further agreement will be entered into as soon as our legislation is amended to make this possible. I wish also to record that it is our understanding that if, owing to unforeseen difficulties, it should unhappily prove to be impossible to conclude a second agreement along the lines indicated in the preceding paragraph, your Government and the Bank for the Netherlands Indies

will be prepared to amend the agreement bearing today's date, to provide that the rate of interest payable on the credits obtained under that agreement will be $2\frac{1}{2}\%$ rather than $2\frac{1}{4}\%$, as, is now provided.

I wish also to record that I am prepared to agree to the redemption under paragraph 10 of the agreement of the bonds to be given in accordance with the agreement, out of any Canadian dollars accruing to the Government of the Netherlands Indies from current account transactions between the Netherlands Indies and Canada and from the sale of Canadian securities held by residents of the Netherlands Indies, as authorized, during the period in question, by the Foreign Exchange Control Board (or successor agency).

I wish also to note that it is the intention of the two Governments that a certain proportion of the Canadian dollar requirements of the Netherlands Indies shall be covered by the purchase from Canada of Canadian dollars against gold or foreign exchange convertible into gold. To implement this intention, it is understood that the Government of the Netherlands Indies, through the Bank for the Netherlands Indies, will, at the end of each quarter year commencing on or after today's date during which the credits referred to in this letter are drawn upon, acquire Canadian dollars by the sale to Canada of gold or foreign exchange convertible into gold in an amount not less than 20% of the amount of credit drawn during each such quarter year, after deducting Canadian dollars already acquired after the 9th of October, 1945, by the Government of the Netherlands Indies through the Bank for the Netherlands Indies through the sale of gold or foreign exchange convertible into gold. It is also understood that the Canadian dollars so acquired will be used either to meet the current requirements of the Netherlands Indies in Canada or to make repayments of the credits or to redeem the bonds provided for under the agreement dated today or the subsequent agreement referred to in this letter.

In reply I have the honour to confirm on behalf of the Government of the Netherlands Indies, the understandings set forth in your note.

Yours very truly,

E. C. ZIMMERMAN,
*Vice-Chairman of the Board for the Netherlands Indies,
Surinam and Curacao.*

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CANADA

TREATY SERIES, 1945

No. 32

CONSTITUTION

OF THE

FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

Signed at Quebec, October 16, 1945

Acceptance by Canada, deposited October 13, 1945

Came into force, October 16, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
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**CONSTITUTION
OF THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS**

Signed at Quebec, October 16, 1945

PREAMBLE

The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purposes of

raising levels of nutrition and standards of living of the peoples under their respective jurisdictions,
securing improvements in the efficiency of the production and distribution of all food and agricultural products,
bettering the condition of rural populations, and thus contributing toward an expanding world economy,

hereby establish the Food and Agricultural Organization of the United Nations, hereinafter referred to as the "Organization", through which the Members will report to one another on the measures taken and the progress achieved in the fields of action set forth above.

ARTICLE I (FUNCTIONS OF THE ORGANIZATION)

1. The Organization shall collect, analyze, interpret, and disseminate information relating to nutrition, food and agriculture.
2. The Organization shall promote and, where appropriate, shall recommend national and international action with respect to
 - (a) scientific, technological, social, and economic research relating to nutrition, food and agriculture;
 - (b) the improvement of education and administration relating to nutrition, food and agriculture, and the spread of public knowledge of nutritional and agricultural science and practice;
 - (c) the conservation of natural resources and the adoption of improved methods of agriculture production;
 - (d) the improvement of the processing, marketing, and distribution of food and agricultural products;
 - (e) the adoption of policies for the provision of adequate agricultural credit, national and international;
 - (f) the adoption of international policies with respect to agricultural commodity arrangements.
3. It shall also be the function of the Organization
 - (a) to furnish such technical assistance as governments may request;
 - (b) to organize, in cooperation with the governments concerned, such missions as may be needed to assist them to fulfil the obligations arising from their acceptance of the recommendations of the United Nations Conference on Food and Agriculture; and
 - (c) generally to take all necessary and appropriate action to implement the purposes of the Organization as set forth in the Preamble.

ARTICLE II (MEMBERSHIP)

1. The original Members of the Organization shall be such of the nations specified in Annex I as accept this Constitution in accordance with the provisions of Article XXI.

2. Additional Members may be admitted to the Organization by a vote concurred in by a two-thirds majority of all the members of the Conference and upon acceptance of this Constitution as in force at the time of admission.

ARTICLE III (THE CONFERENCE)

1. There shall be a Conference of the Organization in which each Member nation shall be represented by one member.

2. Each Member nation may appoint an alternate, associates, and advisers to its member of the Conference. The Conference may make rules concerning the participation of alternates, associates, and advisers in its proceedings, but any such participation shall be without the right to vote except in the case of an alternate or associate participating in the place of a member.

3. No member of the Conference may represent more than one Member nation.

4. Each Member nation shall have only one vote.

5. The Conference may invite any public international organization which has responsibilities related to those of the Organization to appoint a representative who shall participate in its meetings on the conditions prescribed by the Conference. No such representative shall have the right to vote.

6. The Conference shall meet at least once in every year.

7. The Conference shall elect its own officers, regulate its own procedure, and make rules governing the convocation of sessions and the determination of agenda.

8. Except as otherwise expressly provided in this Constitution or by rules made by the Conference, all matters shall be decided by the Conference by a simple majority of the votes cast.

ARTICLE IV (FUNCTIONS OF THE CONFERENCE)

1. The Conference shall determine the policy and approve the budget of the Organization and shall exercise the other powers conferred upon it by this Constitution.

2. The Conference may by a two-thirds majority of the votes cast make recommendations concerning questions relating to food and agriculture to be submitted to Member nations for consideration with a view to implementation by national action.

3. The Conference may by a two-thirds majority of the votes cast submit conventions concerning questions relating to food and agriculture to Member nations for consideration with a view to their acceptance by the appropriate constitutional procedure.

4. The Conference shall make rules laying down the procedure to be followed to secure:

(a) proper consultation with governments and adequate technical preparation prior to consideration by the Conference of proposed recommendations and conventions; and

(b) proper consultation with governments in regard to relations between the Organization and national institutions or private persons.

5. The Conference may make recommendations to any public international organization regarding any matter pertaining to the purpose of the Organization.

6. The Conference may by a two-thirds majority of the votes cast agree to discharge any other functions consistent with the purposes of the Organization which may be assigned to it by governments or provided for by any arrangement between the Organization and any other public international organization.

ARTICLE V (THE EXECUTIVE COMMITTEE)

1. The Conference shall appoint an Executive Committee consisting of not less than nine or more than fifteen members or alternate or associate members of the Conference or their advisers who are qualified by administrative experience or other special qualifications to contribute to the attainment of the purpose of the Organization. There shall be not more than one member from any Member nation. The tenure and other conditions of office of the members of the Executive Committee shall be subject to rules to be made by the Conference.

2. Subject to the provisions of paragraph 1 of this Article, the Conference shall have regard in appointing the Executive Committee to the desirability that its membership should reflect as varied as possible an experience of different types of economy in relation to food and agriculture.

3. The Conference may delegate to the Executive Committee such powers as it may determine, with the exception of the powers set forth in paragraph 2 of Article II, Article IV, paragraph 1 of Article VII, Article XIII, and Article XX of this Constitution.

4. The members of the Executive Committee shall exercise the powers delegated to them by the Conference on behalf of the whole Conference and not as representatives of their respective governments.

5. The Executive Committee shall appoint its own officers and, subject to any decisions of the Conference, shall regulate its own procedure.

ARTICLE VI (OTHER COMMITTEES AND CONFERENCES)

1. The Conference may establish technical and regional standing committees and may appoint committees to study and report on any matter pertaining to the purpose of the Organization.

2. The Conference may convene general, technical, regional, or other special conferences and may provide for the representation at such conferences, in such manner as it may determine, of national and international bodies concerned with nutrition, food and agriculture.

ARTICLE VII (THE DIRECTOR-GENERAL)

1. There shall be a Director-General of the Organization who shall be appointed by the Conference by such procedure and on such terms as it may determine.

2. Subject to the general supervision of the Conference and its Executive Committee, the Director-General shall have full power and authority to direct the work of the Organization.

3. The Director-General or a representative designated by him shall participate, without the right to vote, in all meetings of the Conference and of its Executive Committee and shall formulate for consideration by the Conference and the Executive Committee proposals for appropriate action in regard to matters coming before them.

ARTICLE VIII (STAFF)

1. The staff of the Organization shall be appointed by the Director-General in accordance with such procedure as may be determined by rules made by the Conference.

2. The staff of the Organization shall be responsible to the Director-General. Their responsibilities shall be exclusively international in character and they shall not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization. The Member nations undertake fully to respect the international character of the responsibilities of the staff and not to seek to influence any of their nationals in the discharge of such responsibilities.

3. In appointing the staff the Director-General shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of selecting personnel recruited on as wide a geographical basis as is possible.

4. Each Member nation undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations.

ARTICLE IX (SEAT)

The seat of the Organization shall be determined by the Conference.

ARTICLE X (REGIONAL AND LIAISON OFFICES)

1. There shall be such regional offices as the Director-General with the approval of the Conference may decide.

2. The Director-General may appoint officials for liaison with particular countries or areas subject to the agreement of the government concerned.

ARTICLE XI (REPORTS BY MEMBERS)

1. Each Member nation shall communicate periodically to the Organization reports on the progress made toward achieving the purpose of the Organization set forth in the Preamble and on the action taken on the basis of recommendations made and conventions submitted by the Conference.

2. These reports shall be made at such times and in such form and shall contain such particulars as the Conference may request.

3. The Director-General shall submit these reports, together with analysis thereof, to the Conference and shall publish such reports and analyses as may be approved for publication by the Conference together with any reports relating thereto adopted by the Conference.

4. The Director-General may request any Member nation to submit information relating to the purpose of the Organization.

5. Each Member nation shall, on request, communicate to the Organization, on publication, all laws and regulations and official reports and statistics concerning nutrition, food and agriculture.

ARTICLE XII (CO-OPERATION WITH OTHER ORGANIZATIONS)

1. In order to provide for close co-operation between the Organization and other public international organizations with related responsibilities, the Conference may, subject to the provisions of Article XIII, enter into agreements with the competent authorities of such organizations defining the distribution of responsibilities and methods of co-operation.

2. The Director-General may, subject to any decisions of the Conference, enter into agreements with other public international organizations for the maintenance of common services, for common arrangements in regard to recruitment, training, conditions of service, and other related matters, and for interchanges of staff.

ARTICLE XIII (RELATION TO ANY GENERAL WORLD ORGANIZATION)

1. The Organization shall, in accordance with the procedure provided for in the following paragraph, constitute a part of any general international organization to which may be entrusted the co-ordination of the activities of international organizations with specialized responsibilities.

2. Arrangements for defining the relations between the Organization and any such general organization shall be subject to the approval of the Conference. Notwithstanding the provisions of Article XX, such arrangements may, if approved by the Conference by a two-thirds majority of the votes cast, involve modification of the provisions of this Constitution: Provided that no such arrangements shall modify the purposes and limitations of the Organization as set forth in this Constitution.

ARTICLE XIV (SUPERVISION OF OTHER ORGANIZATIONS)

The Conference may approve arrangements placing other public international organizations dealing with questions relating to food and agriculture under the general authority of the Organization on such terms as may be agreed with the competent authorities of the organization concerned.

ARTICLE XV (LEGAL STATUS)

1. The Organization shall have the capacity of a legal person to perform any legal act appropriate to its purpose which is not beyond the powers granted to it by this Constitution.

2. Each Member nation undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation.

3. The Conference shall make provision for the determination by an administrative tribunal of disputes relating to the conditions and terms of appointment of members of the staff.

ARTICLE XVI (FISH AND FOREST PRODUCTS)

In this Constitution the term "agriculture" and its derivatives include fisheries, marine products, forestry and primary forestry products.

ARTICLE XVII (INTERPRETATION OF CONSTITUTION)

Any question or dispute concerning the interpretation of this Constitution or any international convention adopted thereunder shall be referred for determination to an appropriate international court or arbitral tribunal in the manner prescribed by rules to be adopted by the Conference.

ARTICLE XVIII (EXPENSES)

1. Subject to the provisions of Article XXV, the Director-General shall submit to the Conference an annual budget covering the anticipated expenses of the Organization. Upon approval of a budget the total amount approved shall be allocated among the Member nations in proportions determined, from time to time, by the Conference. Each member nation undertakes, subject to the requirements of its constitutional procedure, to contribute to the Organization promptly its share of the expenses so determined.

2. Each Member nation shall, upon its acceptance of this Constitution, pay as its first contribution its proportion of the annual budget for the current financial year.

3. The financial year of the Organization shall be July 1 to June 30 unless the Conference should otherwise determine.

ARTICLE XIX (WITHDRAWAL)

Any Member nation may give notice of withdrawal from the Organization at any time after the expiration of four years from the date of its acceptance of this Constitution. Such notice shall take effect one year after the date of its communication to the Director-General of the Organization subject to the Member nation's having at that time paid its annual contribution for each year of its membership including the financial year following the date of such notice.

ARTICLE XX (AMENDMENT OF CONSTITUTION)

1. Amendments to this Constitution involving new obligations for Member nations shall require the approval of the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference and shall take effect on acceptance by two-thirds of the Member nations for each Member nation accepting the amendment and thereafter for each remaining Member nation on acceptance by it.

2. Other amendments shall take effect on adoption by the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference.

ARTICLE XXI (ENTRY INTO FORCE OF CONSTITUTION)

1. This Constitution shall be open to acceptance by the nations specified in Annex I.

2. The instruments of acceptance shall be transmitted by each government to the United Nations Interim Commission on Food and Agriculture, which shall notify their receipt to the governments of the nations specified in Annex I. Acceptance may be notified to the Interim Commission through a diplomatic representative, in which case the instrument of acceptance must be transmitted to the Commission as soon as possible thereafter.

3. Upon the receipt by the Interim Commission of twenty notifications of acceptance the Interim Commission shall arrange for this Constitution to be signed in a single copy by the diplomatic representatives, duly authorized thereto, of the nations who shall have notified their acceptance, and upon being so signed on behalf of not less than twenty of the nations specified in Annex I this Constitution shall come into force immediately.

4. Acceptances the notification of which is received after the entry into force of this Constitution shall become effective upon receipt by the Interim Commission or the Organization.

ARTICLE XXII (FIRST SESSION OF THE CONFERENCE)

The United Nations Interim Commission on Food and Agriculture shall convene the first session of the Conference to meet at a suitable date after the entry into force of this Constitution.

ARTICLE XXIII (LANGUAGES)

Pending the adoption by the Conference of any rules regarding languages, the business of the Conference shall be transacted in English.

ARTICLE XXIV (TEMPORARY SEAT)

The temporary seat of the Organization shall be at Washington unless the Conference should otherwise determine.

ARTICLE XXV (FIRST FINANCIAL YEAR)

The following exceptional arrangements shall apply in respect of the financial year in which this Constitution comes into force:

- (a) the budget shall be the provisional budget set forth in Annex II to this Constitution; and
- (b) the amounts to be contributed by the Member nations shall be in the proportions set forth in Annex II to this Constitution: Provided that each Member nation may deduct therefrom the amount already contributed by it toward the expenses of the Interim Commission.

ARTICLE XXVI (DISSOLUTION OF THE INTERIM COMMISSION)

On the opening of the first session of the Conference, the United Nations Interim Commission on Food and Agriculture shall be deemed to be dissolved and its records and other property shall become the property of the Organization.

ANNEX I

NATIONS ELIGIBLE FOR ORIGINAL MEMBERSHIP

AUSTRALIA	INDIA
BELGIUM	IRAN
BOLIVIA	IRAQ
BRAZIL	LIBERIA
CANADA	LUXEMBOURG
CHILE	MEXICO
CHINA	NETHERLANDS
COLOMBIA	NEW ZEALAND
COSTA RICA	NICARAGUA
CUBA	NORWAY
CZECHOSLOVAKIA	PANAMA
DENMARK	PARAGUAY
DOMINICAN REPUBLIC	PERU
ECUADOR	PHILIPPINE COMMONWEALTH
EGYPT	POLAND
EL SALVADOR	UNION OF SOUTH AFRICA
ETHIOPIA	UNION OF SOVIET SOCIALIST REPUBLICS
FRANCE	UNITED KINGDOM
GREECE	UNITED STATES OF AMERICA
GUATEMALA	URUGUAY
HAITI	VENEZUELA
HONDURAS	YUGOSLAVIA
ICELAND	

ANNEX II

BUDGET FOR THE FIRST FINANCIAL YEAR

The provisional budget for the first financial year shall be a sum of 2,500,000 U.S. dollars, the unspent balance of which shall constitute the nucleus of a capital fund.

This sum shall be contributed by the Member nations in the following proportions:

	Per cent	Per cent	
Australia	3.33	India	4.25
Belgium	1.28	Iran .....	.71
Bolivia .....	.29	Iraq .....	.44
Brazil	3.46	Liberia .....	.05
Canada	5.06	Luxembourg .....	.05
Chile	1.15	Mexico	1.87
China	6.50	Netherlands	1.38
Colombia .....	.71	New Zealand	1.15
Costa Rica .....	.05	Nicaragua .....	.05
Cuba .....	.71	Norway .....	.62
Czechoslovakia	1.40	Panama .....	.05
Denmark .....	.62	Paraguay .....	.05
Dominican Republic .....	.05	Peru .....	.71
Ecuador .....	.05	Philippines .....	.25
Egypt	1.73	Poland	1.19
El Salvador .....	.05	Union of South Africa	2.31
Ethiopia .....	.29	U.S.S.R.	8.00
France	5.69	United Kingdom	15.00
Greece .....	.38	U.S.A.	25.00
Guatemala .....	.05	Uruguay .....	.58
Haiti .....	.05	Venezuela .....	.58
Honduras .....	.05	Yugoslavia .....	.71
Iceland .....	.05	Provision for new Members	2.00

Total 100.00

Done at Quebec, Canada, this sixteenth day of October, one thousand nine hundred and forty-five, in the English language, in a single copy which will be deposited in the archives of the Food and Agriculture Organization of the United Nations and of which authenticated copies will be transmitted by the Director-General to the governments of the nations enumerated in Annex I to this Constitution and of Members admitted to the Organization by the Conference in accordance with the provisions of Article II.

IN WITNESS WHEREOF we have appended our signatures:

For Australia:

ALFRED STIRLING.

For Egypt:

ANIS AZER.

For the Kingdom of Belgium:

A. WAUTERS.

For El Salvador:

For Bolivia:

V. ANDRADE.

Sujeto a ratificación de acuerdo a la constitución.

For Ethiopia:

For Brazil:

LOURIVAL FONTES.

For France:

TANGUY-PRIGENT.

ANDRÉ MAYER.

For Canada:

JAMES G. GARDINER.

For Greece:

NICHOLAS G. LÉLY.

For Chile:

For China:

P. W. TSOU.

For Guatemala:

ENRIQUE LÓPEZ-HERRATE.

Ad referendum.

For Haiti:

E. BAKER.

For Colombia:

The Plenipotentiary of Colombia signs the present agreement *ad referendum*, subject to ratification in accordance with Colombian constitutional procedure.

GUILLERMO ELISEO SUÁREZ.

For Honduras:

JULIÁN R. CÁCERES.

For Costa Rica:

For Cuba:

ENRIQUE PÉREZ-CISNEROS.

Sujeto a aprobación por el Senado.

For Iceland:

THOR THORS.

For Czechoslovakia:

FRANTISEK PAVLÁSEK.

For India:

G. S. BAJPAI.

For Denmark:

HENRIK KAUFFMAN.

For Iran:

For the Dominican Republic:

M. E. DE MOYA.

For Iraq:

ALI JAWDAT.

For Ecuador:

L. N. PONCE.

Sujeto a ratificación de acuerdo con la constitución ecuatoriana.

For Liberia:

F. A. PRICE.

For the Grand Duchy of Luxembourg:

HUGUES LE GALLAIS.

For Mexico:

MANUEL J. ZEVADA.

Subject to ratification in accordance with the Mexican Constitution.

For the Kingdom of the Netherlands:

S. L. MANSHOLT.

For New Zealand:
DAVID WILSON.

For Nicaragua:
A. SEVILLA SACASA.
Ad referendum.

For the Kingdom of Norway:
ANDERS FJELSTAD.

For Panama:
J. E. HEURTEMATTE.

For Paraguay:

For Peru:
J. CHÁVEZ.
Ad referendum.

For the Philippine Commonwealth:
MÁXIMO KALAW.

For Poland:
ST. MIKOŁAJCZYK.

For the Union of South Africa:
P. R. VILJOEN.

For the Union of Soviet Socialist Republics:

For the United Kingdom of Great Britain and Northern Ireland:
On signing the present constitution,
I declare that the acceptance of the constitution by the government of the United Kingdom of Great Britain and Northern Ireland includes all colonies and overseas territories of His Majesty, and all territories under His Majesty's protection, or in respect of which His Majesty has accepted a mandate from the League of Nations which is being exercised by his Government in the United Kingdom.

P. J. N. BAKER.

For the United States of America:
CLINTON P. ANDERSON.

For Uruguay:
Ad referendum de ratificacion legislativa de acuerdo a los disposiciones constitucionales correspondientes.

JUAN FELIPE YRIART.

For Venezuela:
The Plenipotentiary of Venezuela signed the present agreement *ad referendum* and therefore it will not become effective with respect to Venezuela until ratified by the public powers of the nation in accordance with Venezuelan Constitutional procedure.

M. A. FALCÓN-BRICENO.

For Yugoslavia:

W. Doc
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CANADA

TREATY SERIES, 1945

No. 33

EXCHANGE OF NOTES

(April 9, 1945)

BETWEEN

CANADA AND VENEZUELA

RENEWING

THE COMMERCIAL *MODUS VIVENDI*
OF MARCH 26, 1941

In Force April 9, 1945



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
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1946

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**EXCHANGE OF NOTES (APRIL 9, 1945) BETWEEN CANADA AND
VENEZUELA PROVIDING FOR THE RENEWAL OF THE COM-
MERCIAL MODUS VIVENDI OF MARCH 26, 1941.***

I

*The British Ambassador to Venezuela
to the Minister for Foreign Affairs of Venezuela*

BRITISH EMBASSY

Caracas, 9th April, 1945.

No. 35.

Your Excellency,

With reference to my predecessor's Note No. 950 of the 8th April, I have the honour to place on record that I have been authorized by His Majesty's Government in Canada, and in mutual accord with the Government of Venezuela, to renew without modification for a further period of one year, that is to say, until April 9, 1946, the *modus vivendi* which regulates the commercial relations between the two countries, signed at Caracas on March 26, 1941.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

GEORGE OGILVIE-FORBES,
British Ambassador to Venezuela.

II

*The Foreign Minister of Venezuela
to the British Ambassador to Venezuela*

MINISTERIO DE RELACIONES EXTERIORES: DIRECCION DE POLITICA ECONOMICA
SECCION DE ECONOMIA

Caracas, 9 de abril de 1945.

No. 916-E.

Senor Embajador:

Tengo a honra dejar constancia por la presente nota de que he sido autorizado por mi Gobierno para renovar sin modificaciones por el término de un año, hasta el 9 de Abril de 1946, el *modus-vivendi* comercial concluído entre los Estados Unidos de Venezuela y Canadá, en Caracas, el 26 de marzo de 1941.

Válgame de la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta consideración.

C. PARRA-PEREZ.

*For the text of the *modus vivendi* of March 26, 1941, see *Canada Treaty Series* 1941, No. 5.

(*Translation*)

MINISTRY OF FOREIGN AFFAIRS—DEPARTMENT OF POLITICAL ECONOMY
ECONOMIC SECTION

Caracas, April 9, 1945.

No. 916-E.

Mr. Ambassador,

I have the honour to place on record by the present note that I have been authorized by my Government to renew without modifications, for a period of one year, until the 9th April, 1946, the commercial *modus vivendi* concluded between the United States of Venezuela and Canada, at Caracas, the 26th March, 1941.

I avail myself of the occasion to renew to Your Excellency the assurance of my highest consideration.

C. PARRA-PEREZ,
Foreign Minister of Venezuela.

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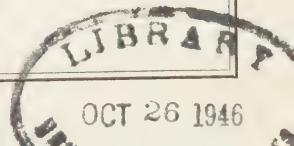
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